# AMENDMENT TO THE WILD, FREE-ROAMING HORSES AND BURROS ACT—PUBLIC LAW 92-195

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## HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS AND RESERVED WATER
OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
NINETY-SEVENTH CONGRESS
SECOND SESSION
ON

## S. 2183

A BILL TO MAKE CERTAIN AMENDMENTS TO PUBLIC LAW 92-195 RELATING TO THE PROTECTION OF WILD FREE-ROAMING HORSES AND BURROS

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BOISE, IDAHO, AUGUST 7, 1982

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# CONTENTS

Page
S. 2183 ... 9

## STATEMENTS

Anderson, Andrew, Idaho Farm Bureau Federation ... 64
Anthony, Dart, Humane Society of Southern Nevada ... 59
Bass, Richard, Murphy, Idaho ... 94
Chambers, Gale ... 67
Chivers, Garth, Tri-County Cattlemen's Association, and Idaho Cattlemen's Association ... 29
Clapp, Jim, Wild Horse and Burro Sanctuary ... 83
Clopton, David, Middle Snake Group of Sierra Club, and on Behalf of Chris Yoder ... 101
Collins, Wendell, Idaho Cattlemen's Association ... 82
Craig, Hon. Larry E., a U.S. Representative from the State of Idaho ... 14
Dahl, Demar, Nevada Cattlemen's Association, Nevada Land Action Association, and Nevada Woolgrowers Association ... 19
Gasper, Russell, American Horse Protection Association ... 31
Gasse, Glen, Al Cattle Co ... 95
Hagen, Judith ... 99
Hanley, Mike, Malheur Cattlemen's Association, and Idaho Cattlemen's Association ... 73
Hansen, Hon. George, a U.S. Representative from the State of Idaho as presently by Julie Robinson, Staff Assistant ... 18
Hernandez, Manuel, Idaho Horse Council ... 85
Ingram, William, Custer County Farm Bureau ... 63
Jaca, Elias, Owyhee Cattlemen's Association, Idaho Cattlemen's Association, and Chipmonk Grazing Association ... 27
Lowry, Bill, rancher, Owyhee County ... 78
Mackenzie, Duncan, Mahogany Mountain unit ... 77
McClure, Hon. James A., a U.S. Senator from the State of Idaho ... 1
Mendieta, Les, Nevada First Corp ... 74
Paulhus, Marc, Humane Society of the United States ... 40
Reilly, Helen, International Society for the Protection of Mustangs and Burros ... 46
Roloff, Pat, Southwest Idaho Trail and Distance Riders ... 92
Ross, Bill, National Cattlemen's Association ... 89
Saare, Sharon, Trail, Inc., American Forestry Association, North American Trail Ride Conference, Oregon State Horsemen's Association, Back-Country Horsemen of Washington, Heritage Trails Foundation, and Oregon Equestrian Trails ... 96
Skinner, Bob, Oregon Cattlemen's Association ... 76
Smith, Don ... 101
Stanger, Edith, Idaho Horse Council ... 100
Stanger, Richard, Idaho Falls, Idaho ... 84
Tews, Gerald, Idaho Cattlemen's Association ... 19
Symms, Hon. Steven D., a U.S. Senator from the State of Idaho ... 16
Wright, Bob, National Cattlemen's Association, National Woolgrowers Association, and Public Lands Council ... 21

## APPENDIX

Additional meaterial submitted for the record ... 105

# AMENDMENT TO THE WILD, FREE-ROAMING HORSES AND BURROS ACT—PUBLIC LAW 92-195

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SATURDAY, AUGUST 7, 1982

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
*Boise, Idaho.*

The subcommittee met, pursuant to notice, at 9 a.m., at the Boise City Hall, Boise, Idaho, Hon. James A. McClure, presiding.

Present: Senator McClure.

Also present: Tony Bevinetto, professional staff member; and Thomas B. Williams, professional staff member for the minority.

## OPENING STATEMENT OF HON. JAMES A. McCLURE, A U.S. SENATOR FROM THE STATE OF IDAHO

The CHAIRMAN. Will the meeting come to order.

Congressman Craig, will you join us up here?

It's always a refreshing experience for me to be back in Idaho and to look into an audience such as we have here and see the faces of friends and the people I've worked with for a long period of time on a variety of different issues and problems.

I want to thank each and every one of you for taking the time this beautiful weekend to come and visit with us on this very important issue.

In 1971 there were approximately 17,000 wild horses and burros roaming at large on western rangelands, and the numbers were decreasing.

Congress was joined in the nationwide effort to show concern and sensitivity toward a vestige of our western culture and toward a goal of assuring humane care and treatment of animals.

Congress passed strong legislation that offered sanctuary. In a few years the population jumped to over 70,000. Rangeland damage began to accelerate as the horses and burros grazed scarce grass, invaded widespread water sources, and in many cases became pests as yards and parks became frequently invaded by hungry animals.

No longer can we allow management of the ranges to receive only our partial attention. We must provide the Secretaries of the Interior and Agriculture better options to control and manage wild horses and burro populations and to give them better authority to manage rangelands under the true multiple-use concept envisioned in the Federal Land Policy and Management Act of 1976 and the Public Rangelands Improvement Act of 1978.

The adoption program has been very successful in providing responsible homes for excess animals. To date, the BLM has arranged the adoption of nearly 33,000 animals. But the administration is now faced with a critical problem. We're at a critical crossroads in the horse and burro program. Faced with the ever-tightening budgets and the recognition that the U.S. taxpayer can no longer afford to subsidize the program—to the tune of more than $300 for each horse adopted—we must turn to a more self-sufficient, self-sustaining program.

The land manager must respond to a critical problem created in part by Congress. We have made it mandatory, in strong, clear language, that the Secretaries must destroy excess animals for which there is no adoption demand.

I don't like to see healthy animals destroyed when there are other good uses for them. As an alternative, I believe that we should give the Secretaries authority to sell excess animals removed from the western rangelands.

Revenue generated from the sales would be returned to the BLM or Forest Service and would be available for habitat improvement, for studies designed to improve the general welfare of the animals and for general ground improvement on the range management.

I realize that this is an emotional issue, but Congress must face the responsibility of establishing an effective program.

[The statement of Senator McClure upon introduction of S. 2183 and the text of the bill follows:]

## STATEMENT OF SENATOR JIM McCLURE
## WILD HORSE AND BURRO RANGE IMPROVEMENT ACT OF 1982

MR. PRESIDENT: I offer for consideration of the Senate some critical amendments to a 10-year old law that has served its purpose but must now be updated to reflect past achievements and new objectives.

In the early 1970's, Congress joined a nationwide movement to show concern and sensitivity toward a vestige of our western U.S. culture and toward a goal of assuring humane care and treatment for animals.

When we passed the Wild Free-roaming Horse and Burro Act of 1971 the animals' numbers had been drastically reduced by "mustangers" and others who brutally mistreated the animals and carted them off to slaughterhouses and pet food canneries. The wild horse and burro roamed free on the West's rangelands for decades. While previously unprotected by federal law, humane treatment was still required under various state statutes. Little notice was taken of requirements to be kind to animals and some of the horror stories that emerged over the years energized a horse protection movement that was unrivaled in modern times on a domestic public policy issue.

The pressures brought to bear on Congress were great. As a result we passed unanimously and sent to the President strong legislation guaranteeing the rights of wild horses and burros on lands administered by the Bureau of land Management and the Forest Service. Our action established that this is the only wild animal actually "owned" by the Federal Government and its land managing agencies - whereas they provide habitat for all other wild or domestic species.

Mr. President, the Wild Free-roaming Horse and Burro Act of 1971 has provided for the protection, control, and management of wild horses and burros on lands administered by the Bureau of Land Management and the U.S. Forest Service. In 1971, when the Act was passed, there were an estimated 17,000 wild horses and 10,000 wild burros on federal lands administered by the BLM and USFS. Today, the 1982 wild horse and burro population estimates are by state:

1982 WILD HORSE AND BURRO
POPULATION ESTIMATES

| STATE | HORSES | BURROS |
|---|---|---|
| ARIZONA | 150 | 5,600 |
| CALIFORNIA | 3,320 | 3,130 |
| COLORADO | 650 | 0 |
| IDAHO | 880 | 20 |
| MONTANA | 200 | 0 |
| NEVADA | 26,050 | 1,330 |
| NEW MEXICO | 80 | 30 |
| OREGON | 3,270 | 20 |
| UTAH | 1,330 | 20 |
| WYOMING | 9,000 | 0 |
| TOTALS | 44,930 | 10,150 |

California burro figure reflects removals and revisions to delete previously counted burros on China Lake Naval Weapons Center and Death Valley National Monument.

BLM estimates that a population level for effective management on the public rangelands is much lower than the present levels.

Responsibility for the animals was delegated to the Bureau of Land Management through the Secretary of the Interior and to the Forest Service through the Secretary of Agriculture.

The 1971 Act provided three alternative methods of controlling excess wild horses and burros where necessary to protect the basic resources of the rangelands -- (1) They could be relocated to other areas inhabited by wild horses and burros on the date the Act was passed; (2) They could be placed in the custody of individuals organizations, or other government agencies and remain the property of the Federal Government for their lifetime; or (3) when these methods were impractical, they could be destroyed in the most humane manner possible. BLM elected to control excess animals with the second alternative and initiated an Adopt-a-Horse Program.

The 1971 Wild Horse Act was amended in 1978 by the Public Rangelands Improvement Act (PRIA). This Act limits the number of wild horses and burros a single participant can adopt up to four (4) animals in any given year, unless a determination is made that the individuals can properly care for more, and allows the transfer of title of up to four (4) animals per year to an individual who has provided humane care and treatment for one year.

According to PRIA, if excess animals exist on public land, a determination must be made as to whether management levels should be achieved by removal, destruction, or other means such as sterilization or natural controls of population levels. This determination must be made by BLM after consultation with the U.S. Fish and Wildlife Service, State wildlife agencies, individuals in the private sector recommended by the National Academy of Sciences, and other individuals with scientific expertise and special knowledge of wild horse and burro protection, wildlife, and rangeland management. When a determination is made that overpopulation exists, excess animals must be removed in the following order and priority:

--old, sick, or lame animals are to be destroyed in the most humane manner possible;

--additional animals may be removed and placed through the Adopt-a-Horse Program, if a demand for adoption exists by qualified individuals;

-- additional animals for which there is no adoption demand may be destroyed in the most humane manner possible.

The Public Rangelands Improvement Act also requires a report to Congress before January 1, 1983, on a special research study of wild horse and burro population dynamics and their inter-relationships with wildlife, forage, and water resources. The study must be completed by experts recommended by the National Academy of Sciences, and the terms and outline of the study must be determined by a panel appointed by the Academy's president. BLM, the Forest Service, and the National Academy of Sciences initiated the research study in January 1979.

Wild horse and burro management emphasis up to this point has been the reduction of animals where seriously deteriorated range conditions exist. While reductions remain a high priority in some areas, BLM and the USFS are shifting emphasis to on-the-ground management of herds. Herd plans are developed to implement multiple-use management goals for each area where wild horses and burros are located. The plans detail range condition, current population levels, age and sex ratios, watering facilities, and forage available for the herd. The plans may identify specific improvements and facilities required to enhance range resource use by the animals and to maintain viable, thriving herds. Some herd areas may need improved water sources, while others may require increased quantity and/or quality of the vegetation, soil and water resources may be necessary. Efforts to maintain herd characteristics will be made. Desired management levels are stated. Actions necessary to maintain and protect the proper number of animals are described, including population manipulation or control techniques to be used. The public is involved in this planning process.

Three areas of the public lands, totaling 495,000 acres, have been designated as wild horse ranges. These are the Pryor Mountain Wild Horse range on the Montana-Wyoming border, established in 1968; a range on Nellis Air Force Base established in 1962 through an agreement with the Air Force; and the Little Book Cliffs Wild Horse Range near Grand Junction, Colorado, dedicated in November 1980.

The practice of removing wild horses and burros from the public lands and placing them in the custody of individuals began in Montana in 1973 when 23 excess horses were removed from the Pryor Mountain Wild Horse Range and offered for adoption. The next year BLM began an adoption program in Oregon, followed by one in Nevada in 1975. BLM launched the Adopt-a-Horse program nationwide in Spring 1976. Adopted animals are trained for riding, showing, packing, and farm work, among other uses.

## THE NEED FOR CHANGE

Mr. President, damage began to accelerate as the horses and burros grazed scarce grass, invaded widespread water sources and, in many cases, became pests as yards and parks were frequently invaded by hungry animals. Further, competition became great between wildlife, domestic animals and the wild horses and burros.

As federal land managers grope for solutions, they have also recognized a far greater sensitivity to the overall need to manage the rangeland environment. They have also realized that there must be balanced treatment of all users - the domestic cow or sheep, the many wildlife species, and the wild horse or burro.

No longer can we allow management of the ranges to receive our partial attention. The amendments I am offering today seek to provide the Secretaries of Interior and Agriculture better options to control and manage wild horse and burro populations and to give them better authority to manage rangelands under the true multiple-use concept envisioned in the Federal Land Policy and Management Act of 1976 and the Public Rangelands Improvement Act of 1978.

My amendments are supported by many co-sponsors in this Body. We have joined in an effort to make some fairly significant changes in the management aspects of the program; yet, we retain and strengthen the philosophy that wild, free-roaming horses and burros are living symbols of the historic and pioneer spirit of the American West. In fact, our amendments will assure a more balanced approach to rangeland management by insisting that it is the policy of Congress that healthy populations of wild, free-roaming horses and burros be sustained and that rangeland resources be protected for forage consumers.

Our recommendations to the Senate include a strengthened requirement for public land planning to determine the best management strategies for wild horses and burros. We would also reduce the number of animals that could be adopted each year by an individual from four to two. This will increase the probability that the animals will be given humane care and treatment and will reduce the possibility of commercial gain by those persons who take more than two animals under the adoption program.

The most significant changes we are proposing would authorize the Secretaries to sell excess animals for which there is not adoption demand. The adoption program has been very successful in providing responsible homes for excess animals. To date, the Bureau of Land management has adopted out nearly 33,000 animals. The program has received nationwide attention and compliments. Thousands of homes today provide loving care for these animals.

The Administration is now at a critical crossroads in the horse and burro program. Faced with ever tightening budgets and the recognition that the U.S. taxpayer can no longer afford to subsidize the program - to the tune of more than $300 for each horse adopted - the BLM instituted in January a fee of $200 per horse and $75 per burro, in addition to the costs of transportation from holding facilities to adoption centers in Texas, Tennessee, Nebraska, or other states. This will only partially offset the cost of gathering, medical examinations, or caring for the animals prior to adoption. The fee system is under review in the Department and will be examined by the Appropriations Committee, I am certain. Additional increases are likely.

The land manager must now respond to a critical problem created in part by Congress. We have made it mandatory, in strong, clear language, that the Secretaries must destroy excess animals for which there is no adoption demand. We recognize now that this is a somewhat intemperate approach. We must find reliable and humane alternatives that will still afford protection to the animals while they are under Federal control. We do not wish to have large numbers of healthy animals destroyed. There are other viable uses for the animals. As an alternative, we propose that the Secretaries be given authority to sell excess animals removed from the West's rangelands. Revenue generated from the sales would be returned to BLM or Forest Service and would be available for habitat improvement, studies designed to improve the general welfare of the animals, and for general "on-the-ground" program management. Present estimates indicate that under this amendment the wild horse and burro program would become nearly self-supporting, if not totally so. This could save the American taxpayer some $6 million in appropriated funds each year.

There are other important features of our proposed amendments: Re-establishment of the Citizen Advisory Committee originally authorized in the 1971 Act and an upgrading of the criminal penalties for repeated violations of the Act. The Advisory Committee served a useful function; yet, it was abolished under the last Administration in a misguided effort to save costs. We feel this Committee can serve a useful purpose as a communications bridge to advise the Secretaries of significant policy issues.

The upgrading of the enforcement penalties is needed to act as a further deterrent against unlawful acts committed against the wild horses and burros on Federal rangelands. Some convictions have been obtained in the past years; however a tougher stance will benefit the animals.

Mr. President, this legislation has been prepared through the close assistance and cooperation of a number of citizen organizations representing millions of Americans. We have worked closely with the Carey Ranch Wild Horse Sanctuary, the National Wildlife Federation, the Isaac Walton League, the National Association of Conservation Districts, and others. There is also strong support for our concepts with the Administration where the land managers are almost desperate for a more flexible program.

These organizations and individuals and others across the land have expressed a strong commitment to greater volunteer efforts to help the Bureau of Land Management screen potential adopters and to help in checking on adopted animals - animals found in almost every state. I compliment these citizens in all regions of the nation for their dedication to wild horses and burros. Their efforts should not go unrecognized. The spirit of volunteerism is strong in support of this program. Their contributions will be invaluable.

Our over all goal is to assure that wild horses and burros are a full part of multiple-use management of the public rangelands and are not regarded solely as misfits that have no legitimate place on the West's open spaces. The amendments we propose are designed to assure that wild horses and burros are managed with greater status than in the past, to match other valuables found on the public lands.

I invite my colleagues to become more familiar with the issues surrounding the critical problem of creating this balance among forage consumers on the range, and to join in supporting early favorable conclusions on this legislation in the Senate. The Committee on Energy and Natural Resources will soon schedule field hearings on the legislation. We are assured that an excellent cross-section of interests will appear in support of the legislation. To be certain, dissenting voices will be heard, voices that do not care about environmental balance nor do they seem to care about proper multiple-use management of the lands. In fact, my concern is that certain public groups seem more interested in maintaining the controversy and keeping wild horse and burro management as an issue to enhance their own financial stability.

This is an unfortunate situation. Management of natural resources on so many hundreds of millions of acres of the public's lands is not a partisan issue. The laws that Congress has passed stress multiple-use. Successive Administrations have worked closely with Congress to assure that responsible policies are developed and implemented for the benefit of the resources - not for political gain. That is our goal in proposing these needed amendments. The Secretaries need broader options to effectively manage the rangelands.

Mr. President, the bill which I offer to amend the Wild Horse and Burro Act (PL 92-195) does the following good things:

--Recognizes that wild horse and burro populations are thriving and not in danger of disappearing

--Recognizes that it is the intent of Congress to maintain on public lands administered by the Secretary of Agriculture and the Secretary of Interior a population base of wild horses and burros consistent with the principle of multiple-use.

--Provides for management of wild horse and burro herds and their habitat in accordance with planned resource objectives for the area.

--Reduces the amount of subsidy to the Adopt-a-Horse program by the Federal Government.

--Reduces the possibility of individuals adopting excess animals for the purpose of commercial gain.

--Provides revenue by authorizing sale of excess wild horse and burros not placed in private maintenance.

--Provides the protection of state and local humane laws to excess animals that are sold and no longer protected by Public Law 92-195, as amended.

--Clarifies when wild horses and burros lose their protected status under the Act.

--Improves the cost-effectiveness of the program by eliminating unnecessary program requirements such as the biennial report to Congress and public hearings on the use of helicopters, and by reducing compliance and titling costs.

--Eliminates paperwork required of adopters to obtain title to their adopted animal.

--Provides for increased public participation in the development of regulations and policies concerning the management of wild horses and burros.

--Strengthens language in the Act that allows prosecution of individuals who illegally sell or process into commercial products any wild horse or burro.

--Deters individuals from illegal sale or inhumane treatment or care and other violations of the regulations by increasing the penalty for conviction of a second offense.

--and finally, allows the Secretary of Agriculture and the Secretary of the Interior to use adoption and/or sale procedures to dispose of unbranded and unclaimed horses and burros on federal lands not covered by the Act.

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II

97TH CONGRESS
2D SESSION

# S. 2183

To make certain amendments to Public Law 92-195 relating to the protection of wild free-roaming horses and burros.

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IN THE SENATE OF THE UNITED STATES

MARCH 9 (legislative day, FEBRUARY 22), 1982

Mr. MCCLURE (for himself, Mr. LAXALT, Mr. SYMMS, Mr. HATFIELD, and Mr. WALLOP) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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# A BILL

To make certain amendments to Public Law 92-195 relating to the protection of wild free-roaming horses and burros.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first section of Public Law 92-195 relating to the protection of wild free-roaming horses and burros is amended by—

(1) striking out "; and that these horses and burros are fast disappearing from the American scene." and inserting in lieu thereof a period; and

(2) by inserting at the end thereof the following: "It is also the policy of Congress that a healthy wild

free-roaming horse and burro population base shall be sustained and that rangeland resources shall be protected for the benefit of wild free-roaming horses and burros, wildlife, and livestock.".

SEC. 2. Section 3 of such Act is amended—

(1) in the fifth sentence of subsection (a) by striking out "at the minimal feasible level and" and inserting in lieu thereof "in accordance with the resource management objectives for the area established in land use plans. Such plans and activities";

(2) in subsection (b)(2)(B) by striking out "*Provided*, That, not more than four animals may be adopted per year by any individual unless the Secretary determines in writing that such individual is capable of humanely caring for more than four animals, including the transportation of such animals by the adopting party" and inserting in lieu thereof "*Provided*, That not more than two animals may be adopted per year by any individual";

(3)(A) in subsection (b)(2)(C) by striking out "destroyed in the most humane and cost efficient manner possible." and inserting in lieu thereof "sold or destroyed in the most humane cost efficient manner possible: *Provided*, That after the sale, the excess wild free-roaming horses and burros become subject to all

State and local humane laws, and all Federal humane laws other than this Act.";

(B) in subsection (b)(2) by adding at the end thereof of the following flush material: "Revenue from the sale or adoption of excess wild free-roaming horses and burros authorized by section 3(b)(2) shall be deposited in the appropriate account of the agency from whose lands the excess animals were removed in order to reimburse the agency for costs related to removal, sale, private maintenance, habitat improvement, and studies for the general welfare of wild free-roaming horses and burros.";

(4) in subsection (b)(3) by striking out "January 1, 1983" and inserting in lieu thereof "January 1, 1985";

(5) in subsection (c) by striking out "upon application by the transferee to grant title to not more than four animals" and inserting in lieu thereof "to grant title";

(6) in subsection (d)(1) by striking out "pursuant to subsection (c) except for the limitation of subsection (c)(1) of this section" and inserting in lieu thereof "at sale or pursuant to subsection (c)"; and

(7) in subsection (d) by striking out the semicolon and "or" in clause (4) and all of clause (5) and inserting in lieu thereof a period.

SEC. 3. Section 7 of such Act is amended by striking out "The Secretary of the Interior" and inserting in lieu thereof "Notwithstanding the provisions of any other Act, the Secretary of the Interior".

SEC. 4. Section 8 of such Act is amended—

(1) in clause (1) by striking out "willfully" and inserting in lieu thereof "knowingly";

(2) in clause (4) by inserting after "horse or burro" the following: "without authority from the Secretary";

(3) in clause (5) by adding after "remains thereof" the following: "without authority from the Secretary"; and

(4) in clause (6) by striking out "willfully" and inserting in lieu thereof "knowingly" and by adding at the end thereof the following: "Any person who previously has been convicted of a violation of this section or any Federal, State, or local humane laws shall, upon conviction of an offense punishable pursuant to this section, be subject to a fine of not less than $5,000 and not more than $10,000, or imprisoned for not more than two years, or both.".

SEC. 5. Section 9 of such Act is amended in the second sentence by striking out "a public hearing" and inserting in lieu thereof "public notification".

SEC. 6. Section 11 of such Act is amended by striking out the first sentence and inserting at the end of such section the following: "Administrators of other Federal lands not subject to the provisions of this Act shall consult with the Secretary before removing unbranded and unclaimed horses and burros under their jurisdiction. Upon request and to the extent that manpower and scheduling permit, the Secretary is authorized to remove such unbranded and unclaimed horses and burros in accordance with section 3(b)(2) of this Act.".

○

The CHAIRMAN. We have nearly 50 witnesses who want to testify today. Some have come long distances. I would ask each witness to limit their testimony to 5 minutes.

Of course, the written record will be made a part of the record in full. But we have to accommodate the wishes and the desires of all of the people who come; and we can best do that by asking each of you to limit the amount of time that is consumed in the oral presentation of the testimony.

If you want to receive a copy of the printed record, we'll be happy to send you one. Please print your name and address on labels provided near the sign at the desk so that we can get that to you if that's your desire.

When the record is printed we'll send you a copy; but I caution you, it takes 2 to 3 months to get that printing done and the record back to you.

I would ask the witnesses to hold onto their written statements until they're called to the table to present their testimony.

For those who wish to submit statements after the hearing, this hearing record will remain open for 2 weeks, and the statements may be submitted here to my Boise office or to the subcommittee office in Washington, D.C.

We're happy to have with us this morning Congressman Larry Craig of the First Congressional District of Idaho.

Larry, do you have any statement that you'd like to make at this time?

I understand you can't stay all morning. You're going somewhere to do something with horses?

## STATEMENT OF HON. LARRY E. CRAIG, A U.S. REPRESENTATIVE FROM THE STATE OF IDAHO

Mr. CRAIG. Well, thank you very much, Senator McClure. And let me congratulate you in taking what is a needed and necessary step in bringing a program that has been successful but certainly controversial to the forefront for a more proper solution at this particular time.

Of course, we're talking about the wild horse and burro situation, primarily on the western ranges of this country. I know it's controversial, and I certainly recognize your concern, but yet your willingness to handle this problem up-front and with the introduction of Senate bill 2183. I commend you for that.

It's an issue that has been of real concern to me for a long period of time because, as a rancher, I and my father watched horse numbers grow very rapidly on the West Crane allotments of our BLM. We saw the beginning of depletion of range and finally were able to bring it to somewhat of a solution to the West Crane allotment.

It certainly does not address allotments and their problems south of us.

The horse is a unique animal on the western range in the fact that he has no predator and, of course, can multiply in great numbers; and because he is on the range year-round, can sustain or create considerable damage to it.

I am pleased in working not only with Senator McClure, but also our new Director of the BLM, Bob Burford, in an overall recognition that we have a problem, a problem that demands a solution and that we can solve it. Because I think that now more than ever people who, in a responsible and concerned way in the early days of this issue, felt that it was necessary to do what we did are now beginning to see that these numbers are not being controlled; that when you look at the western ranges of this country and recognize that there is a place for the horse, but there also has to be a recognized number for purposes of sustaining that range in cohabitation with livestock grazing and wildlife concerns, that there need be a balance.

And in reading your legislation, Senator, I see that it strives for that balance. I'll look forward to working with you in the U.S. Congress to bring this to a rapid solution so that we can get on with the proper management of our rangelands.

Thank you.

The CHAIRMAN. Thank you very much. Again, making some reference, I think you are making some awards at a horse show?

Mr. CRAIG. Senator, when you talk about horses—or any of you who have been involved in the horse business—if you've ever been caught in the problem of judging a 4–H horse showmanship contest, you will recognize that it's a no-win proposition. In fact, it's probably more dangerous to my health than this Senate bill 2183. I say that because when you finally make a decision, out of a group of young people there's one outstanding horseman, you have then alienated every man, woman, and child who didn't win. So I am in a much more tight situation in Cambridge than you are here.

The CHAIRMAN. Thank you very much. I appreciate your testimony, and I appreciate the opportunity to work with you on this as well as other issues that are of interest to people in Idaho as well as the rest of the Nation.

You are a constructive help, and I appreciate it. You are more than welcome here as long as you can stay.

Senator Symms has a statement, which will—before doing that I should mention that I have a longer, more comprehensive statement which will be made a part of the record in full as part of my opening statement; and copies of that statement are available at the desk if there are those who are interested in the full statement.

Senator Symms, a cosponsor of this legislation, may or may not be able to break away from his other schedule this morning to be here; but he has a statement which will be made a part of the record in full at this point.

[The prepared statement of Senator Symms follows:]

TESTIMONY FOR SENATOR STEVE SYMMS
WILD HORSE HEARING, AUGUST 7, 1982
9:00 a.m., BOISE, IDAHO

Mr. Chairman, I want to take a moment to congratulate you for your foresight in recognizing the need for changes to the Wild Free-roaming Horse and Burro Act of 1971, and other applicable statutes. As a cosponsor, I want to add my strong endorsement of S. 2185, and will work with you to see that the bill becomes law.

As we all are aware, the Wild Horse and Burro Program commenced over a decade ago in response to a tremendous public outcry over the abuse and commercial exploitation of mustangs and burros on the western plains. The problem had accelerated to the point of threatening the very existence of these animals, which are a surviving remnant of the history of the Old West.

The problem of the 1971 Act was simply that it worked too well. Wild horses and burros are now thriving, and the blanket protection afforded to the animals gives a preferential treatment to one component of federal land management, to the detriment of others. The current population estimates range nearly 70,000 today, over twice the number of animals the Bureau of Land Management considers to be manageable. Although the BLM has spent some $27 million to attempt to control this growing problem, the agency simply has been unable to keep pace with the exploding animal population. The result has been an imbalanced land management policy, with deteriorating rangeland conditions and strains on wildlife and livestock.

To add to the problem, demand for adoption of these animals is not sufficient to meet the number of excess animals that roam the plain. Consequently, both animal lovers and ranchers whose livestock depends on balanced resource management recognize the need for a change in the existing program. Clearly, the professional wildlife managers of the BLM are hamstrung by an inflexible statute that needs to be changed.

I believe the adoption of S. 2183 will significantly improve the administration and management of the wild horse and burro program. It will also relieve some of the unwarranted criticism that has been leveled at the BLM rather than the inadequacies of the existing Act.

The most important feature of the bill would authorize the BLM to sell excess animals from the rangelands and funnel the proceeds from the sales into BLM and Forest Service management programs, such as rangeland improvement. This is a significant improvement over current law, which requires the destruction of excess animals for which there is no adoption demand. With 60% of all horse and burro funds currently being spent on the Adopt-a-Horse program, this amendment could make the program nearly self-supporting. Not only would it save the taxpayers some $6 million per year, it would ensure that proper management and care is provided to these animals on the federal lands. While the Adopt-a-Horse program will be continued, the number of animals that can be adopted each year by an individual will be reduced from four to two. This measure should increase the likelihood that the animals will be properly cared for.

In addition, the legislation imposes tougher penalties for unlawful acts against the animals, but eliminates the paperwork required to obtain title over adopted animals. Finally, the bill will improve the cost effectiveness of the program by ending several unnecessary regulations and reduce compliance and title costs, thus easing the adoption process.

Overall, the bill will more nearly align the wild horse and burro program to the general intent of the Federal Land Policy and Management Act, which defines the multiple-use of available resources on the public lands. I have consistently held the philosophy that our limited resources must be managed in a balanced manner to benefit the broad base of uses and protections of those public lands. This legislation is not only in the best interests of the American taxpayer, but in the best interest of our wild horses and burros, domestic cattle, and other wildlife inhabiting the range and competing for scarce resources.

The CHAIRMAN. Congressman George Hansen was unable to be here, but I think Miss Julie Robinson is representing him. And if she'd come forward and make his statement at this time.

I'm sorry George couldn't make it, but I understand it's impossible to be in two places at once.

## STATEMENT OF HON. GEORGE HANSEN, A U.S. REPRESENTATIVE FROM THE STATE OF IDAHO AS PRESENTED BY JULIE ROBINSON, STAFF ASSISTANT

Ms. ROBINSON. That's true.

Senator McClure, Congressman Craig, members of the Senate Energy and Natural Resources Committee and friends, I am Julie Robinson, staff assistant to Congressman George Hansen; and I am pleased to be here today to represent him and to read to you his statement, which is as follows:

Mr. Chairman, I would like to thank you and this committee for conducting hearings on this important subject here in Idaho where those directly impacted by the problem will have a chance to make their concerns known.

During the past decade our experience under the Wild Horse and Burros Act has made apparent many inadequacies in the basic law where adjustments should be made. It is now apparent that there is no real jeopardy to the existence of wild horses and burros and that a realistic change in the law must be made to provide more careful and flexible management in land and wildlife resources and to control the population of these animals, which now compete with both domestic livestock and other wildlife.

Today's hearing is vital in order to take comments from the various interests most directly involved. I had hoped to be in attendance to personally participate in the taking of testimony; but since this is not possible, due to a conflict in schedule, I look forward to studying the information presented here as we proceed to develop and consider legislative remedies.

I wish to commend Chairman McClure for initiative in these hearings and in developing a sound legislative approach. His efforts will provide a solid base for the Idaho delegation to get a workable piece of legislation passed in Congress.

Thank you again, Mr. Chairman.

The CHAIRMAN. Thank you very, very much.

Again, we are sorry Congressman Hansen couldn't be here today, but we appreciate his interest and attention to the hearing and to the subject matter. Thank you very much.

We have divided the witness list into seven panels in the hope that that will expedite the hearing today and make the record a little more cogent in those groupings.

Our first panel is composed of a representative of the Idaho Woolgrowers Association; Mr. Gerald Tews, the Idaho Cattlemen's Association; Mr. Demar Dahl of the Nevada Cattlemen's Association; Mr. Bob Wright, the chairman of the National Woolgrowers, National Cattlemen, Public Lands Committee; Mr. Elias Jaca of the Owyhee Cattlemen's Association; and Mr. Garth Chivers, Tri-county Cattlemen's Association from Challis.

And I wonder if those people will come forward and take their chairs at the witness table.

I might just also remind the witnesses that you don't have to move those microphones. They are sensitive enough and omnidirectional enough that they will pick you up where you are.

The representative of the Idaho Woolgrowers?

Not here?

Mr. TEWS. No; they are not here.

The CHAIRMAN. Mr. Tews?

Mr. TEWS. Yes; I am Gerald Tews, representing the Idaho Cattlemen and chairman of the Idaho Public Lands.

The CHAIRMAN. I wonder—before we start, I recognize, for the record, the fact Senator Symms has joined us; and I appreciate very much his willingness to be here as a cosponsor of this legislation. His help is invaluable to me, and I appreciate the attention and his participation here this morning.

Your statement has been made a part of the record.

Senator SYMMS. Thank you.

The CHAIRMAN. Mr. Tews?

## STATEMENT OF GERALD TEWS, IDAHO CATTLEMEN'S ASSOCIATION

Mr. TEWS. We certainly appreciate, Senator McClure and Senator Symms, that you are sponsoring this new piece of legislation, which is desperately needed to get the wild horse program straightened around where everyone can live with it. The Idaho Cattlemen are behind this new bill completely.

A couple of points that I'd like to stress on: We are firm believers that this program should pay its way and the $200 fee to—might seem like it might deter people from adopting; but if we can get the selling of the horses enacted where they can sell the horses and run it like a business, why, the horses the people will adopt, and the other ones can be sold to whatever commercial trade.

Here last week I hauled four old ponies to the sale, and I had tears in my eyes because they had been with us for 20 years, so we have these same feelings, too.

We need to eliminate the paperwork, which is just mind-boggling to the bureaucracy. I think sometimes they bring this on themselves; but maybe if the law so states, they can come up with a way to do it.

Also, the management of these horses, I think could be very much simplified. The law clearly states that there will be some wild horses, but do we need the numbers that they have left, that have been built up to?

So the Idaho Cattlemen back your language in the bill completely, and we certainly appreciate your efforts to straighten this mess up.

The CHAIRMAN. Thank you very much. I appreciate your statement.

Mr. Dahl?

## STATEMENT OF DEMAR DAHL, NEVADA CATTLEMEN'S ASSOCIATION, NEVADA LAND ACTION ASSOCIATION, AND NEVADA WOOLGROWERS ASSOCIATION

Mr. DAHL. Senator McClure and Senator Symms, Congressman Craig, my name is Demar Dahl and my testimony today is on behalf of the Nevada Cattlemen's Association, the Nevada Land Action Association, and the Nevada Woolgrower's Association. Three organizations whose members are very close to our natural resource base and who are concerned with the present situation that exists because of excessive numbers of wild horses.

As you may already know, Nevada has by far the largest population of so-called wild horses found in any State in the Union. Although the Nevada BLM indicates there are approximately 26,000 wild horses in Nevada, we feel that a more realistic estimate is 43,000. From our experience out on the rangelands, we have consistently found the BLM counts to be low. A recently completed study conducted by the Department of Ecology and Behavioral Biology of the University of Minnesota supports our contention that BLM counts are low. The University of Minnesota study indicated that wild horse census accuracy varied from the 40 to 90 percentiles influenced mainly by the type of terrain where the wild horses are found.

Regardless of what the exact numbers are, all fair-minded observers of our ranges and the damage being done to them by the wild horses and burros agree that there are too many of them. Since 1971 when the Wild Horse and Burro Act was passed these animals have gone virtually unmanaged partially because of the vagueness of the 1971 act itself. The wild horse and burro populations have mushroomed since this act was passed, putting excessive grazing pressure on many areas of our public rangelands.

Ranchers who make their living from the use of the rangelands and who must look toward the long-term renewable and continued use of the rangelands have become discouraged and financially threatened. We have had our livestock numbers tied to a specified level and time of use by our BLM permits. Some years, depending on range conditions, we have voluntarily used less than our authorized use. On the other hand, the wild horses and burros have been allowed to increase to excessive numbers, running year-long on the same ranges with virtually no controls. Many of us have taken nonuse for our livestock in order to keep the range from being destroyed, hoping that in the meantime the public and Congress would realize that something had to be done to correct the wild horse and burro situation. We can't wait any longer.

We feel that BLM needs a clear mandate to manage wild horses and burros and that the amendments proposed in S. 2183 and H.R. 5825 will give them that mandate.

One provision of the proposed legislation would give sale authority to the BLM for excess wild horses and burros. Presently, the only avenue the BLM has for reducing numbers is to adopt out the excess and to destroy the unadoptable animals. The process of gathering and adopting these horses has cost the American taxpayer in the neighborhood of $400 per animal. We cannot afford to pay these high costs; and from what I read in the newspapers, I don't think Congress does either. Budgets are being cut in nearly every department, and the BLM is no exception.

In fiscal year 1982, the BLM proposes to remove 8,400 head of wild horses. Given a generally accepted yearly reproduction rate of from 18 to 20 percent, the annual increase in Nevada alone is about 8,600 horses. Removing even this number does nothing to alleviate the problem caused by the excessive numbers now in existence. Under the present budget it appears there will not be enough funds available to even control the annual increase besides removing the real excess. We urge Congress to enact the sale authority provisions of this legislation so that more reliable funds will be available for the management of the wild horse and burro herds. We feel that the wild horse and burro is a resource user that can pay his own way once the BLM is given sale authority, provided that the proceeds from such sales are kept in the program for management, including numbers control.

In summary, we urge Congress to take quick action to adopt the provisions in S. 2183 and H.R. 5825. Unless something is done soon, irreparable damage will be caused to our natural resource base, our wildlife, the wild horses and burros themselves, and those of us who rely on use of the resources for our livelihoods. The ranchers have already shouldered more than their share of the burden due to the uncontrolled wild horse and burro populations; and now we hope that the public, the wild horse activists, and especially Congress will act in a responsible fashion to correct the problems that were created by the Wild Horse and Burro Act.

I thank you.

The CHAIRMAN. Thank you very much.

Mr. Wright?

## STATEMENT OF BOB WRIGHT, NATIONAL CATTLEMEN'S ASSOCIATION, NATIONAL WOOLGROWERS ASSOCIATION, AND PUBLIC LANDS COUNCIL

Mr. WRIGHT. Senator McClure, Senator Symms, Congressman Craig, my name is Bob Wright. I am a livestock rancher in Wells, Nev., and I serve as chairman of the Public Lands Committee of the National Cattlemen's Association. I am presenting this statement on behalf of the National Cattlemen's Association, which represents beef cattle producers and feeders throughout the United States, the National Woolgrowers Association, which represents sheep producers, and the Public Lands Council, which represents both cattle and sheep producers who hold permits to grazing livestock on the public lands of the West.

We support bill S. 2183, authorizing the Bureau of Land Management and the Forest Service to sell excess wild horses and burros which cannot be placed through the adoption program. This legislation would provide an alternative to the destruction and burying of unadoptable horses and burros and would provide for a means of raising badly needed revenue for the management program. No responsible person who has looked into the situation can seriously doubt that there are too many wild horses and burros on our public lands and that these excess numbers are wreaking environmental havoc.

In 1971, when the Wild, Free-Roaming Horse and Burro Act became law, there were about 17,000 wild horses and 10,000 wild burros on the Federal lands. According to the most recent report to Congress by the BLM and the Forest Service, there are now 44,930 wild horses and 11,870 wild burros on the BLM lands, and 2,894 wild horses and 416 wild burros on the national forest system lands. BLM estimates that these numbers are twice the optimum level that the resources can sustain without damage. Moreover, the estimates of present population levels are believed to be low; recent checks indicate BLM may be underestimating populations by 50 percent.

Populations of wild horses and burros grow rapidly because these animals have no natural predators. These are not indigenous animals to the United States. They are prolific breeders and multiply rapidly until they eat themselves out of house and home.

The consequences of the present population level are several. First, the grazing characteristics of these animals are such that excess numbers completely destroy all vegetation in the range in which they roam. They eat the grass down to the roots, and when the grass becomes scarce, they even destroy shrubs and trees. Their pawing damages waterholes. Diseased horses often fall dead in such areas, befouling the waters for other animals. Areas in which there are excessive numbers of wild horses are usually devoid of vegetation, with muddy, diseased waterholes and a landscape littered with horse carcasses and sick and starving horses. Naturally, as the numbers of wild horses and burrors rise, deer, antelope and other wild animals are threatened.

It is the long-term effect, however, which is most shocking. When fragile range ecosystems are so severely damaged by excess numbers of feral horses and burros, the harm is practically irreparable. It could take 100 or more years for certain areas to regenerate vegetation naturally.

Of course, excessive numbers of these feral animals affect domestic livestock as well as wildlife. Many of our members are no longer able to graze their allotment in their customary manner because of these animals, and many ranching operations could possibly go bankrupt.

Besides the cost of such loss of grazing rights, these animals cause increases in daily operating expenses of ranchers. For example, in one case study in Nevada, a rancher spent over half a million dollars developing water resources on his allotments, and he spends annually $90,000 to pump water, one-half of which is used by feral horses and wildlife.

Why haven't the Federal agencies removed the excess horses as the law requires? Again, there are several answers: For one thing, the BLM has been fearful—and we believe derelict—in even attempting to comply with the law. One reason the agency hasn't removed more horses from the range, even though it recognizes there is a problem, is that it also realizes that only a limited number can be placed through the adoption program. The agency doesn't want to remove more than the adoption program can handle because it is reluctant to destroy horses not adopted, which the law also requires. Other reasons have to do with court suits and with a lack of funds for the entire wild horse and burro program. The court suits have interfered with some roundups and have prevented destruction of some excess animals.

Despite attempts to expand and encourage the adoption program, that program is simply unable to take care of the numbers of the horses that need to be removed in order to protect the range. The 35,000 wild horses and burros that have been placed in adoption since that program began have not been enough to keep pace with the population growth, as the agencies' own figures prove.

The costs of the wild horse and burro program are high—about $36 million since passage of the 1971 act—and this leads up to another reason why this legislation is so essential. That reason is the Congress.

We appreciate this opportunity to submit our views and we hope this subcommittee will act promptly to protect the resources on our public lands and to revive the multiple-use concept which presently is a mockery in many areas of the West where wild horses and burros have driven out all other uses.

[The prepared statement of Mr. Wright follows:]

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(801) 363-4483

# JOINT STATEMENT

of the

NATIONAL CATTLEMEN'S ASSOCIATION
NATIONAL WOOL GROWERS ASSOCIATION
PUBLIC LANDS COUNCIL

to the

PUBLIC LANDS AND RESERVED WATERS SUBCOMMITTEE
ENERGY AND NATURAL RESOURCES COMMITTEE
U. S. SENATE

Regarding

S. 2183, amending P.L. 92-105 relating to the
protection of wild free-roaming horses and burros

Submitted by

Bob Wright
Chairman, Public Lands Committee
National Cattlemen's Association

August 7, 1982

Boise, Idaho

Mr. Chairman:

My name is Bob Wright. I am a livestock rancher in Wells, Nevada and I serve as chairman of the Public Lands Committee of the National Cattlemen's Association. I am presenting this statement on behalf of the National Cattlemen's Association which represents beef cattle producers and feeders throughout the United States, the National Wool Growers Association which represents sheep producers, and the Public Lands Council which represents both cattle and sheep producers who hold permits to grazing livestock on the public lands of the West.

We support bill S. 2183, authorizing the Bureau of Land Management and the Forest Service to sell excess wild horses and burros which cannot be placed through the adoption program.

This legislation would provide an alternative to the destruction and burying of unadoptable horses and burros and would provide for a means of raising badly-needed revenue for the management program.

No responsible person who has looked into the situation can seriously doubt that there are too many wild horses and burros on our public lands and that these excess numbers are wreaking environmental havoc.

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Their pawing damages waterholes. Diseased horses often fall dead in such areas befouling the waters for other animals.

Areas in which there are excessive numbers of wild horses are usually devoid of vegetation with muddy, diseased waterholes and a landscape littered with house carcasses and sick and starving horses.

Naturally, as the numbers of wild horses and burros rise, deer, antelop and other wild animals are threatened.

It is the long-term effect, however, which is most shocking. When fragile range ecosystems are so severely damaged by excess numbers of feral horses and burros, the harm is practically irreparible. It could take a hundred or more years for certain areas to regenerate vegetation naturally.

Of course, excessive numbers of these feral animals affect domestic livestock as well as wildlife. Many of our members are no longer able to graze their allotments in their customary manner because of these animals, and many ranching operations ~~have gone~~ could possibly go bankrupt.

Besides the cost of such loss of grazing rights, these animals cause increases in daily operating expenses of ranchers. For example, in one case study in Nevada, a rancher spent over half a million dollars developing water sources on his allotments and he spends annually $90,000 to pump water, one half of which is used by feral horses and wildlife.

Why haven't the federal agencies removed the excess horses as the law requires? Again, there are several answers.

For one thing, the BLM has been fearful - and we believe derelict - in even attempting to comply with the law.

One reason the agency hasn't removed more horses from the range even though it recognizes there is a problem is that it also realizes that only a limited number can be placed through the adoption program. The agency doesn't want to remove more than the adoption program can handle because it is reluctant to destroy horses not adopted which the law also requires.

Other reasons have to do with courtsuits and with a lack of funds for the entire wild horse and burro program. The courtsuits have interfered with some roundups and have prevented destruction of some excess animals.

Despite attempts to expand and encourage the adoption program, that program is simply unable to take care of the numbers of the horses that need to be removed in order to protect the range. The 35,000 wild horses and burros that have been placed in adoption since that program began, have not been enough to keep pace with the population growth, as the agencies' own figures prove.

The costs of the wild horse and burro program are high...about $36 million since passage of the 1971 Act and this leads up to another reason why this legislation is so essential. That reason is the Congress.

The Appropriations Committees took a look at how the taxpayers were subsidizing the adoption program and told BLM to start making the program more self-sufficient.

In fiscal 1981, those costs on a per animal basis, according to the 1982 Report to Congress, amounted to $163 for removal, $299 for adoption, $235 for compliance checks on adopted animals, and $6 for title transfer. This is a total cost of $765.00 per animal. Adoption fees amounted to only $62 per animal in 1981; thus, adoptors were subsidized by $703.00. The costs in fiscal 1980 were slightly higher, $787 per animal with a receipt of $65 per animal.

In response to the direction from Congress (as well as from the Office of Management and Budget) to eliminate subsidization of the adoption program, the agencies in January of this year raised the adoption fees to $200 per horse and $75 per burro. Despite this increase, the adoption program is still heavily subsidized...more than $500 per animal as the previously-mentioned cost figures indicate.

However, the immediate effect of the adoption fee increase was a drop in adoption demand and BLM found itself with more animals removed from the range than it could dispose of through adoption.

The agency acted with disregard for the law; it placed a moratorium on the destruction of healthy animals, saying that destruction was "sensitive."

At the present time BLM is maintaining 910 animals in their corrals at a cost per day of $1,820. Naturally, BLM is not eager to roundup more animals. This daily maintenance expense also means there are less funds for management.

I do not believe that BLM can maintain its present position of ignoring the clear mandates of the law that excess wild horses and burros must be "immediately" removed from the public lands and that excess animals for which an adoption demand does not exist must be "destroyed in the most humane and cost-efficient manner possible." A lawsuit was recently filed by a rancher in Nevada to try to get BLM to live up to the law and remove the excess horses from the public lands.

Without enactment of bill S. 2183, millions of dollars will be spent on litigation by all sides, and the end result will be - as I believe BLM will admit - that BLM will have no choice but to destroy the excess horses and burros.

This legislation also addresses a problem that has hampered the proper management of wild horses and burros on the public lands: a lack of adequate funds. Under the proposed bill, proceeds from the sales of these animals would be plowed back into the wild horse and burro program.

A sales program would be the most cost-efficient means of disposing of these excess feral animals. Selling wild horses at public auctions has been done successfully for years by the U. S. Fish and Wildlife Service.

Such a sales program would not replace the adoption program. In fact, it would enhance the adoption program by helping to prevent future adoption increases and perhaps even making possible a decrease in adoption fees.

Therefore, we urge this subcommittee to approve S. 2183.

We do, however, have a suggestion for improvement. To prevent further unjustified agency delays and litigation over whether or not an adoption demand exists - as well as avoiding unjustified expenses in maintaining horses in corrals for a long period - we believe that language should be added requiring the sale of wild horses and burros if not adopted within some set period of time after removal from the public lands. That period should be a reasonable number of days based on an examination of BLM's experience of how long it usually takes to complete the adoption process from the date of roundup.

We appreciate this opportunity to submit our views and we hope this subcommittee will act promptly to protect the resources on our public lands and to revive the multiple-use concept which presently is a mockery in many areas of the West where wild horses and burros have driven out all other uses.

The CHAIRMAN. Thank you very much for your statement. I'm sorry we ran out of time, but your full statement will appear in the record.

Mr. WRIGHT. Thank you.

The CHAIRMAN. Mr. Jaca?

## STATEMENT OF ELIAS JACA, OWYHEE CATTLEMEN'S ASSOCIATION, IDAHO CATTLEMEN'S ASSOCIATION, AND CHIPMUNK GRAZING ASSOCIATION

Mr. JACA. Senator McClure, Senator Symms, Representative Craig, I am Elias Jaca, Reynolds Creek, Murphy, Idaho. I am a rancher in Owyhee County. I am representing the Owyhee County Cattlemen's Association as president, the Idaho Cattlemen's Association as director, and the Chipmunk Grazing Association as president.

I strongly support the BLM's multiple-use concept for the public range; however, I feel that wild horses are grossly violating this concept. I can see wild horses out my kitchen window, and my concern is their overpopulation.

Let me give you some statistics gathered from the Boise District Bureau of Land Management office on the Owyhee resource area wild horse numbers: The BLM's 1971 management level for wild horses in the Owyhee resource area was and is 98 head of horses. In the BLM's wild horse roundups of 1978 and 1980 a total of 547 head of horses were gathered. This represents an overpopulation or trespass of 451 head of horses.

The BLM charges the permittee a trespass fee for livestock that are in trespass on their range. Therefore, to calculate this trespass using the BLM schedule, 451 trespass horses at $8.83 per AUM, unwillful fee, equals $3,973.50 per month for 12 months, of $47,682 per year.

Wild horses graze the same range area for 12 months of the year, causing overgrazing and stress to the plants by their constant grazing and trampling. For example, during early spring, the critical growing season for grass, on cold, frosty mornings when the grass is trampled by hoofs the grass tends to die.

Another ocncern is that cattle nad sheep pay a BLM grazing fee renewable each year to graze public land. Wildlife pay their way by hunting licenses sold to hunters and renewed each year. Wild horses pay no BLM grazing fee and consume more forage per animal unit than cattle, sheep or wildlife.

In conclusion, I feel that this overpopulation is detrimental to the range in forage production and erosion and is expensive to finance due to our present economy. I strongly support a change in policy by supporting the S. 2183 which would make the wild horse management program more self-sufficient and realistic.

I would also like to submit the 1982 resolutions of the Owyhee Cattlemen's Association and the Idaho Cattlemen's Association, wild horse and burro policies.

The CHAIRMAN. That will be made a part of the record in full.

[The resolutions follow:]

## 1982 RESOLUTIONS

### 1. WILD HORSE AND BURRO POLICIES

WHEREAS: The Department of Interior and Bureau of Land Management have recently announced new policies for wild horse and burro management and control, and

WHEREAS: The new policy calls for a $200 per animal fee for adoption of excess wild horses and burros, and

WHEREAS: We need to control the numbers of wild horses and burros, for the need to protect our rangelands is becoming more evident each year,

Idaho Cattlemen's
&
NOW, THEREFORE BE IT RESOLVED: That the Owyhee Cattlemen's Association go on record in favor of the new Interior Department and BLM Wild Horse and Burro Management Plan which would provide for adoption fees and disposal of excess wild horse and burros, and

Idaho Cattlemen's
&
BE IT FURTHER RESOLVED: That the Owyhee Cattlemen's Association support changes in this policy which would provide for increased adoption fees to a level which would make the wild horse management program more self-sufficient.

### 2. WILD HORSE AND BURRO ACT AMENDMENT

WHEREAS: Wild Horse numbers on public range is continually increasing,

AND WHEREAS: This increase number has become detrimental to the range in terms of forage production and erosion,

AND WHEREAS: Controlling wild horses and burros has become expensive and difficult to finance due to the economy and cutbacks on government spending,

Idaho Cattlemen's
THEREFORE BE IT RESOLVED: That the Owyhee Cattlemen's Association be in favor of changes in the wild horse and burro act and policies which would allow for other means of removing wild horses and burros from the range along with adoption procedures.

Idaho Cattlemen's
&
BE IT FURTHER RESOLVED: That the Owyhee Cattlemen's Association strongly supports Senator McClure's Amendment (S2183) to the Wild Horse and Burro Act which permits the sale or disposal of excess animals not adoptable, to control the number of animals on public rangeland.

Mr. Jaca. Thank you.

The Chairman. Yes, sir. Thank you very much.

Mr. Chivers?

## STATEMENT OF GARTH CHIVERS, TRI-COUNTY CATTLEMEN'S ASSOCIATION, AND IDAHO CATTLEMEN'S ASSOCIATION

Mr. Chivers. Thank you, Senator McClure, Senator Symms, Congressman Craig.

My name is Garth Chivers. I am from Challis, Idaho. I have been asked to represent the Idaho Cattlemen's Association. I am the Governor's appointee to the Challis group for the Challis Planning Unit, president of the Tri-County Cattlemen's Association, director of Custer Soil District, lifetime rancher and resident of Custer County and a permittee in the areas where wild horses have run.

We agree with the legislation and know it's very well needed. Without it there is extreme damage to the overpopulated ranges by the ever-increasing herds.

We agree that these horse populations should be kept with BLM numbers where their particular range management plans have been set up.

It is impossible to use proper range management when horses and burros keep populating an area to the point of destruction.

These animals are on the range for 12 months and have no respect for fences or other management practices. The rest-rotation fields are the places where the horses and burros congregate, destroying any use or advantage gained from resting a pasture, which is eliminating all management of these ranges.

If we are to have any sign of resource management it is essential that the horse and burro population be controlled.

The Federal agencies in charge of public lands must have the authority and the means to dispose of these horses and burros.

After talking to the BLM Salmon District, I was informed that application to adopt-a-horse program had declined to the point where they may not cover the adoptions needed to take care of the horses that were to come off the range.

The adopt-a-horse program at $200 seemed too much for the public to bear. Considering the results, the first adopt-a-horse program may give us the results that we need to get the numbers to take care of the horses. Also, a 45-day holding period should be plenty long enough for the selection of the horses to go to the adoption. After that point an auction should take place, and those horses can go to any buyer that has been named to buy them and any humane way of taking care of them.

The management of our Federal land has to be multiple use, with every user of these lands being considered.

Most of the use is a renewable resource. Management has to see that all of the factions that use it are not damaging or eroding the use of others.

Representing the Idaho Cattlemen's Association, Tri-County Cattlemen's, soil conservation and myself, we totally agree with the Senate bill 2183 and fully endorse it. Thank you.

The Chairman. Thank you very much, gentlemen.

I have heard stories and testimony in Washington about the fact that under this, the provisions that we have now, of the adopt-a-horse program, the BLM is reluctant to destroy excess animals, that they sometimes conduct a roundup and impound the animals, see who wants what animal and then they return to the range the numbers that are not adopted.

Have you or any of you any personal experience with that?

Mr. Chivers. After talking to the BLM, that is one of—they needed a 45-day limit on horses being available for adoption and maybe even less, and then an auction, availability to take them or authority to take them to an auction like you would take a cow or your own horses—your private horses—and that's one of the things that they have to have down in pretty black and white, to my understanding.

The Chairman. Have any of the others of you seen any example of a roundup and then release effects of numbers?

Mr. Jaca. Yes. In my area they rounded up the wild horses, and they were supposed to bring back 30 head; and they had some horses that they didn't get in and then a few extra, so they brought back about 40 head in our area. And now at the present time we're supposed to have a 1971 level—31 head. But by gathering them in 1980 we've already got 60-some head of horses. We are double our 1971 level in 2 years' time.

The Chairman. One of the results of that practice, as a matter of fact, it appears likely that the most desirable animals are adopted out, or culled out. Instead of culling the herd, you are actually doing it inversely; you are turning it back to the range, only probably the oldest, least capable rather than the best because the best are taken out of the herd for adoption, and the worst are left.

Senator Symms, do you have a question?

Senator Symms. Just one question I would kind of just pose to you all.

I hope we can get this legislation through; and, Senator, you certainly have my support on it. But I couldn't help, when I drove out the driveway and looked at the Owyhees, what would your grandfather do, Mr. Jaca?

How long's your family been out there?

Mr. Jaca. Well, I've been in Oregon most of my life with my folks, and we was in the wild horses in Oregon where they was thick in those days.

Senator Symms. We have got this complicated. Of course, there was a reason for them then.

Mr. Jaca. It was the workhorses for people to pull their farm machinery and things, and they took them—or when they didn't need them, they grazed them out on the Federal ranges; and now when the tractors and modern machinery came, they didn't need the wild horses so they left their horses out there, and now they become wild horses. They used to be horses that pulled mowing machines and worked one time.

Senator Symms. It seems to me like it's in the best interests, the competing interests of people who want to be sure we preserve a few wild horses, that we don't let it get to excess; so I think the ranchers would have no resource but to take it into their own hands.

Mr. Jaca. The explosion bothers me. I can accept the 1971 level, but I cannot accept the double all the time.

Mr. Dahl. Senator, before the Wild Horses and Burros Act passed, if there became too many animals on the range, then the Bureau or someone who wished to could go to the county government, county commissioners, whatever their titles were, and get permission to gather them. I think this is a good example of how local control can handle the problem probably better than it is now being handled at the Federal level.

Senator **Symms**. Don't make a big thing of it; just round them up and bring them to the factory?

Mr. **Dahl**. Yes. They could go and get a roundup together.

The **Chairman**. Mr. Chivers?

Mr. **Chivers**. In 1960 there was over 400 head of horses taken off the Challis Planning Unit by a private concern, and he made money doing it.

Now, the Federal Government don't seem to be able to do that, but it was done in those years and those people were doing it for a living.

Mr. **Wright**. Senator, would it be possible or feasible to put a 45-day sell-off period time limit right in the law?

We have a tendency to procrastination with the bureaucracy.

You gentlemen pass a good, sound piece of legislation. Then it goes into the regulations and the rules, and maybe this particular group of people would honor 45 days. Maybe the next bunch it's 6 months—they say, "Let's hold it 6 months."

Could that be considered, put a 60- or 45-day limit right in the law?

The **Chairman**. Certainly we'll consider that as a possible addition.

Senator **Symms**. Thank you, Senator.

The **Chairman**. Congressman Craig?

Mr. **Craig**. No questions.

The **Chairman**. Thank you, gentlemen. I appreciate very your testimony this morning.

Next panel is Mr. Russell Gasper of the American Horse Protection Association, Mr. Marc Paulhus of the Humane Society of the United States, Ms. Helen Reilly, International Society for the Protection of Mustangs and Burros, and Mr. Dart Anthony, Humane Society of South Dakota.

Mr. **Anthony**. Mr. Chairman, for the record, please change that. I am not with the Humane Society of South Dakota; I am with the Humane Society of Nevada, based in Las Vegas.

The **Chairman**. The record will be so corrected.

## STATEMENT OF RUSSELL GASPER, AMERICAN HORSE PROTECTION ASSOCIATION

Mr. **Gaspar**. Senator McClure, Senator Symms, and Congressman Craig, my name is Russell Gasper. I am appearing today on behalf of the American Horse Protection Association. I appreciate the opportunity to appear before you and voice our concern over S. 2183. I'd like to comment just for a moment about some of the testimony I've heard already this morning concerning the numbers of horses.

People have noted the fact that the estimate of the wild horse population in 1971 was about 17,000, and they've also stated that the numbers today are about 54,000, 55,000 and have claimed that the 54,000 or 55,000 number is a substantial underestimate.

Well, I think that our experience, the experience of the animal welfare people, the BLM and scientists are concerned and will say that if there is undercounting today, the undercounting back in 1971 was much more than it is today. So what we had back in 1971 wasn't 17,000 animals; it was probably many more than that—25,000, 26,000. I think anybody would have to guess at this point, but it was many more than 17,000. And the people who talk about being willing to accept the 1971 populations are really seeking to have the best of both worlds. They want the numbers higher today than the official estimate because they claim there is undercounting. Yet they want what everybody knows is an artificially low number to be the official level, and I believe, however we approach it, we can't have that dual standard.

Somebody listening to some of the testimony today and reading some of the material about S. 2183 would think that the adopt-a-horse program has been a failure and that we have a huge pool of unadoptable wild horses that are simply being shot and put in the ground. That's really not true.

In fiscal year 1981 well over 10,000 wild horses were adopted. Only 35 animals were destroyed as unadoptable. Only 35.

The reason that the adoption program is threatened today and the reason that we are threatened with having a large pool of unadopted animals is because of the adoption fees, which went up so substantially the first of the year, as Mr. Chivers said, to $200 per horse fee; and it's more than $200 because they tack on transportation costs. It is a very expensive cost in many parts of the country for an unbroken horse, especially out here in the West.

What's happened is the new adoption fee structure has discouraged adoptions tremendously.

BLM estimates said only about 5,000 wild horses and burros are going to be adopted this year out of 10,000 or 11,000 rounded up; and their experience so far this year in terms of the number of adoptions that have been made during the first 6 or 7 months leads me to believe, at least, that that 5,000 figure is correct.

So far this year they've adopted out about 2,200 animals during the first 6 or 7 months, so through this disincentive to adopt we have a large pool of animals that are remaining unadopted.

That large pool need not exist. It's my personal conviction, and the conviction of my association, that if the adoption fee were lowered to a more reasonable level—perhaps $100 or $125—it would encourage people to adopt. We could adopt out all the horses and burros that were removed to the range. We could find humane homes, as the adoption program has done for many years. We would generate as much revenue as BLM would, with a combination of the $200 fee and selling the unadopted animals; and the Wild Horse Act would be fulfilled.

Gentlemen, I suggest that the principal purpose to be fulfilled here is not to debase the wild horse by returning to the days where we were marketing them, regardless of who is marketing them; and I don't think there should be a mistake on anybody's mind that if the sale authority passes, most of the 5,000 or 6,000 horses that are going to be sold every year are going to be sold for slaughter. That is the simple fact of the matter, and I don't think there is any way of escaping it.

I believe S. 2183 is the wrong answer to a problem that need not exist, that by restructuring the adoption fee, by working for further economies in the BLM adopt-a-horse program—some of which have been achieved and more of which can be achieved—we can have a more economically sound program that will find humane homes for all of the horses BLM sees fit to remove from the public ranch lands.

The balance of my written statement I'm happy to submit for the record, and I'd be happy to answer any other questions.

[The prepared statement of Mr. Gasper follows:]

# STATEMENT OF THE
# AMERICAN HORSE PROTECTION ASSOCIATION, INC.
# CONCERNING S.2183, A BILL TO AMEND THE
# WILD, FREE-ROAMING HORSES AND BURROS ACT
before the
SENATE COMMITTEE on ENERGY AND NATURAL RESOURCES
Subcommittee on Public Lands and Reserved Water

Boise, Idaho
August 7, 1982

The American Horse Protection Association, Inc. appreciates this opportunity to offer its views on S.2183, a bill to amend the Wild, Free-Roaming Horses and Burros Act. AHPA believes that S.2183 will undermine the Adopt-a-Horse program, which already has been seriously damaged by the imposition of excessive adoption fees. Ultimately, S.2183 will destroy the Wild Horse Act. Accordingly, AHPA urges that the Subcommittee not act favorably on S.2183.

The principal amendment incorporated in S.2183 is the provision authorizing the Secretaries of Agriculture and the Interior to sell "excess" wild horses and burros for which there is no adoption demand. This provision has been publicized as an innocuous, essentially technical amendment that is intended to give the Secretaries another "management tool," so that they will have more "flexibility" in dealing with the problem of "excess" wild horses. Frequently, it is justified by describing it as a reasonable alternative to the destruction of "excess" unadopted horses, and as a means to raise revenue for programs to protect the horses remaining on the range.

This rationale is appealing, but is not valid. It assumes that under normal circumstances there will be large numbers of unadoptable wild horses and burros that would presently be destroyed, but that could be sold. The data from BLM's Adopt-a-Horse program, however, disproves this assumption. In Fiscal Year 1981 about 11,350 wild horses and burros were removed from the public lands. About 750 were destroyed as old, sick or lame, or died during roundups; 10,150 wild horses and burros were adopted by year-end. Only 35 were destroyed as unadoptable.

This data attests to the considerable success of the Adopt-a-Horse program. It has worked well to place about 39,000 "excess" wild horses and burros in humane homes. Although the program has experienced problems, including fraud and illegal sales by some individuals who have adopted wild horses, it cannot by any stretch of the imagination be called a failure.

It is threatened with failure, however, by the Administration's decision to raise the adoption fees to $200 per horse and $75 per burro, plus the costs of transportation to the adoption site. It now costs about $220-230 to adopt a horse in most Western states, and $275 or more in the Eastern states. In many areas, this is more than a prospective adopter would have to pay for a halter-broken domestic horse. To put the price in perspective, especially in the West, $200 is what a livestock operator pays for the priviledge of grazing 107 cattle or 535 sheep on the public lands for a month. Clearly, there is little financial incentive for most people to adopt a wild horse today.

This is not an unexpected situation. BLM estimated, when it proposed raising the adoption fees, that only 5,000 of the 11,000 wild horses and burros it expected to remove during FY 1982 would be adopted. BLM's experience with the new fees suggest that its estimate was accurate. During the first three months of the current fiscal year (October - December 1981), before the fees were raised, nearly 3,000 wild horses and burros were adopted. During the next three months, after the fee increase went into effect, only 1,025 were adopted -- a decline of about 65 percent. By mid-July, about 2,200 had been adopted since the first of the year. Projecting the first six months of 1982 over a full year (even allowing for the fact that the 1981-1982 winter was severe, which probably hampered adoption efforts), BLM's estimate is very close.

The meaning of this is clear: BLM has, by its own action, created the need for S.2183. It has created a pool of 6,000 wild horses and burros each year that will not be adopted, and which under current law must be destroyed.

There can be no doubt that potential adopters of wild horses are price conscious. AHPA's conversations with managers of adoption centers and BLM field personnel have convinced the Association that a $200+ adoption fee is a significant stumbling block to encouraging adoptions. To allow such high fees to continue ultimately will destroy the adoption program.

Regrettably, S.2183 will only accelerate the destruction of the program. BLM's analysis of the sale authority acknowleges that sales will be made at or near the slaughterhouse price for horseflesh -- a price that is well below the $200+ adoption fee in most areas of the country. Selling the animals, therefore, will undercut adoption efforts even further.

So, too, will Section 2(2) of the bill, which reduces the number of animals that an individual may adopt each year from four to two. This provision, it is argued, will discourage the potential for abuse that is present when a number of related family members each adopt four animals, perhaps planning to dispose of them illegally. AHPA believes that this abuse can be better controlled by defining, through appropriate regulations, the term "individuals" to include all closely related family members. Reducing the number of animals that a legitimate, qualified adopter may receive only exacerbates the problem of unadopted horses and burros.

The unpleasant fact is that if S.2183 is enacted, many thousands of wild horses and burros will be sold for slaughter or to rodeos as bucking stock. BLM and the proponents of the bill prefer not to address that fact squarely, but it is inescapable. A large pool of unadopted wild horses, for sale at slaughterhouse prices, is a bonanza for large-scale commercial buyers. The trip from the BLM corral to the packing plant will be the fate of most of the "unadoptable" animals.

This fate cannot be candy-coated by assuring, as Section 2(3)(A) of the bill does, that the animals will be "subject to all State and local humane laws, and all Federal humane laws" other than the Wild Horse Act. There are no federal humane laws that deal effectively with horse-related problems -- particularly the problem of humane transportation of equines to slaughter. Extraordinarily cruel practices are common to such transportation, and it is a problem that State and local authorities in most parts of the country cannot police. In some cases, their laws and ordinances don't address the problems of cruelty to horses or other livestock. More frequently, the limited numbers of enforcement personnel are not trained to investigate and correct abuses to large animals such as horses. In reality, there is relatively little protection afforded to horses under existing humane laws.

Nor does the prospect of additional revenues justify the sale provision. Selling wild horses and burros has been touted as a way to generate revenues for range and habitat improvements, research, and other programs to benefit the animals. In fact, even if selling "unadoptable" animals could increase BLM's revenues, they would not totally offset the Bureau's removal costs. There would be no surplus revenues to devote to other programs; it would simply cost BLM less to run its wild horse program. Given the Administration's committment to cut discretionary domestic spending even further than it has already, any increases in revenues will surely be matched by cuts in appropriations. Describing the sale authority as a way to help the animals remaining on the range is a cruel hoax.

BLM understandably wants the Adopt-a-Horse program to be cost-effective; one way to reduce costs is to recoup as much of the roundup and adoption expenses as possible. But BLM has chosen to examine the problem from the wrong side. Rather than trying to recover a particular proportion of the cost of adopting an animal, BLM should try to maximize total revenues from the adoption program in a manner consistent with the Wild Horse Act. To maximize revenues, and to insure that wild horses and burros removed from the range receive humane homes, BLM should encourage adoptions at a reasonable fee -- perhaps $100-125.

AHPA believes that this price will encourage a high level of adoptions -- nearly all of the animals available -- and will generate virtually the same total revenues as would the combination of a $200 adoption fee and the sale of unadopted animals. It will eliminate the problem of a large pool of unadopted animals, and -- more to the point -- will fulfill the purposes of the Act.

Another area that merits further exploration is cutting costs within the adoption program. Some progress has been made by BLM to reduce costs: the average net cost of rounding up and adopting a wild horse fell from $476 in FY 1980 to $400 in FY 1981, even though the average adoption fee also dropped slightly. Humane associations and wild horse groups have met with BLM representatives to try to identify other areas where cost savings may be achieved. In particular, improving the efficiency of the process by which adopters are matched with available animals is an important goal; about two-thirds of current adoption costs are for caring for the animals until they are adopted, and reducing the time between roundup and adoption will cut costs substantially.

Furthermore, on July 26 the Bureau published a proposed regulation dealing with the adoption fee issue. The regulation included a proposal to charge a $25.00 non-refundable application fee at the time a person files an adoption request, which is intended to raise revenues and to discourage frivolous applicants. AHPA believes that the public comments generated by the proposed regulation will made a very positive contribution on the question of maximizing revenues and cutting costs.

AHPA's position in this matter should not be mistaken. AHPA believes that adopters should pay a fee for their animals, both as an indication of their financial responsibility and to help cover the costs of roundup and removal. But AHPA is convinced that a $200 fee is too high, and that S.2183 will only exaggerate the forces discouraging adoption. Revenues can be maximized within the context of a sound adoption program, and they almost certainly will be as high as those anticipated if BLM receives the authority to sell unadopted animals.

In the final analysis, AHPA cannot support a proposal that will result in the slaughter of thousands of wild horses and burros each year. The Wild Horse Act was passed to eliminate that brutal practice. Enacting S.2183 will return this Nation to the bad old days of mustanging, but with the Federal Government performing the odious task of removing and marketing the animals.

Another element in S.2183 that AHPA finds very disturbing is its reference to sustaining a "healthy wild free-roaming horse and burro population base." This clause is proposed as an addition to the recitation of Congressional findings, ostensibly to guarantee the future existence of wild horses and burros. But the existence is already guaranteed by the existing Congressional command that the animals be considered as an "integral part of the natural system of the public lands," and that they be protected and managed as "components of the public lands."

The phrase "healthy ... population base" is one with enormous potential for mischief. Based on AHPA's review over the past five years of wild horse management plans and grazing environmental statements in which similar language is used, the Association is convinced that the phrase is used by BLM to mean the smallest population capable of sustaining and reproducing itself. In other words, a herd size just large enough to avoid extinction. Conceivably, the phrase can be used to justify the total elimination of horses in some areas where they are presently found as long as a "population base" exists in other areas that will prevent the species from disappearing altogether.

This is not what the Act intended, nor what BLM has interpreted its obligations to be. The phrase opens the door for BLM to manage the animals at the smallest possible population level rather than as a legitimate component of the public lands entitled to equal treatment in the multiple-use system.

In this regard, AHPA is aware that S.2183 is at least in part justified on the grounds that BLM says it must reduce the current wild horse and burro population of about 57,000 to about 25,000. This number (perhaps not coincidentally) was the approximate wild horse population existing in 1971, when the Wild Horse Act was passed.*/ BLM is, in effect, proposing to reduce the wild horse and burro population to the level that it reached as a result of mustanging -- in short, the level that commercial interests found most convenient. The Act did not intend that result.

Furthermore, when AHPA showed BLM's estimated management levels of 25,000 wild horses and burros to Dr. Frederick Wagner, the Chairman of the Committee on Wild Free-Roaming Horses and Burros appointed by the National Academy of Sciences pursuant to Section 3(b)(3) of the Act, he expressed doubt that BLM could make accurate estimates about proper management levels given the inadequacy of its data about wild horses. The need for better data about wild horses and burros and their relationships to range resources is clear. NAS studies conducted so far suggest that the relationships are far more complex than BLM currently believes, and that allocating range resources -- and assessing range impacts -- is not simply a process of dividing up the available "pie" of forage among range users.

For this reason, AHPA believes that the fundamental changes proposed by S.2183 are wholly inappropriate and should not be considered until the Bureau has adequate scientific data demonstrating the need for such far-reaching amendments. The issue should be deferred at least until January of next year, when the NAS is due to file its report with Congress. At the same time, Congress should restore funding to the NAS studies so that decisions concerning wild horses and burros are made in a rational, unbiased manner.

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*/ BLM and Forest Service estimates originally placed the 1971 population at about 17,000. However, counts made since then, and evaluations of the censusing techniques used in the early 1970s, have resulted in a consensus that the 17,000 figure was significantly below the actual population.

Finally, the Subcommittee should understand that some of the representations made concerning the support that S.2183 has in the animal welfare and environmental communities are inaccurate. One list of "supporters" of the bill circulated earlier this year misrepresented the positions of the American Humane Assocation, Concern, Inc., the Nature Conservancy, the North American Wildlife Federation, the Wilderness Society, the Wildlife Society and the World Wildlife Fund. The National Audubon Society prefers to take no action to amend the Act until after the NAS studies are completed. The Toiyabe Chapter of the Sierra Club, which is based in Nevada, is opposed to the bill.

The proper protection and management of wild horses and burros admittedly poses difficult problems that are in need of answers. But it is clear that the Adopt-a-Horse program has worked well to provide homes for animals removed from the range, and can continue to do so. S.2183 will only hasten its destruction, and for that reason it should not be enacted.

The Chairman. Thank you very much.
Mr. Paulhus.

## STATEMENT OF MARC PAULHUS, HUMANE SOCIETY OF THE UNITED STATES

Mr. PAULHUS. Senator McClure, Senator Symms, and Congressman Craig, the Humane Society of the United States is opposed to S. 2183 because we find that this legislation will create serious new problems and open the door for the same types of abuses that enraged the public and prompted the enaction of a protective law. Principally, we are unalterably against any provision which would allow unadopted animals to be sold at auction as authorized by this bill. The implications are obvious. The vast majority of horses and burrors offered for sale will be purchased by the killer buyers for immediate transport to slaughter.

It is disturbing that changes in the Wild Horse and Burro Act are even under consideration at this time, preceding as they do the completion of research studies as required by the Public Rangelands Improvement Act of 1978. A refreshing point of agreement between ranchers, conservationist and animal welfare groups was the need for objective, scientific data to identify sound management alternatives. Bitter controversies arising from BLM's inaccurate census techniques and perceived mismanagement of wild equines promised to be ameliorated by the findings of a far-reaching study conducted by the prestigious National Academy of Sciences. Despite of congressional mandate and popular support for this research, BLM failed to allocate sufficient funds to the National Academy of Sciences. A mere 6 out of 18 indentified projects have received any funding.

In one particular case the study horses were rounded up in the midst of ongoing research.

The Interior Department's advocacy of sweeping amendments to the Wild Horse and Burro Act is indicative of their "shoot first and ask questions later" attitude. The NAS program was intended to examine and recommend feasible alternatives to expensive roundup efforts. They would, for example, determine whether horses would be controlled on the range by skewing the sex ratio of the herds, or through the use of chemosterilants, barrier fencing or habitat manipulation. If these questions were adequately explored, present controversies would be resolved and management changes would reflect substantiated facts rather than presumptions.

We believe that the BLM already has sufficient authority and discretion under the Wild Horse and Burro Act to effectively maintain the limit populations. The adopt-a-horse program has found homes for approximately 39,000 animals and would continue to do so if properly managed. However, by raising the adoption fee to the unreasonable level of $200 per horse and $75 per burro plus transportation costs, the Bureau has pushed the price for acquiring one of these animals beyond the range of many potential adopters. This fee increase seems intended to deplete adoption demand so as to provide a rationale for allowing the sale of wild horses and their carcasses.

Recently, a number of groups met in Washington, D.C., to discuss this particular piece of legislation and sound management programs. Among the speakers invited were the chairman of the NAS Committee and the particular researcher who operated on the Wyoming range. Three essential points of agreement came out of this meeting. The first was that all groups are in favor of a sensible and humane management program. Second was that all groups are opposed to the sale authority as specified in this bill, and the third was that all groups wish to see a completion of the NAS research before legislation is considered.

Now, the groups attending this meeting, or giving their approval to these particular points, include the Animal Welfare Institute, the Animal Protection Institute, the Fund for Animals, the Interior National Society for the Protection of Mustangs and Burros, the Audubon Society, the Humane Society of the United States, the National Association for Wild American Horses, Friends of Wildlife, and a chapter of the Sierra Club. The combined membership of these groups exceeds several million. They would like to see the NAS study completed.

Thank you.

[The prepared statement of Mr. Paulhus follows:]

# STATEMENT OF
# THE HUMANE SOCIETY OF THE UNITED STATES
# REGARDING S.2183
# BEFORE THE SENATE COMMITTEE ON NATURAL RESOURCES
# BOISE, IDAHO FIELD HEARINGS

APRIL 7, 1982

Prepared by:
Marc S. Paulhus
The Humane Society of the United States
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The Humane Society of The United States is a non-profit charitable organization dedicated to the furtherance of animal welfare and the prevention of needless cruelty. The Society is headquartered in Washington, D.C. and manintains regional offices throughout the country. Since well before the passage of the Wild Horse and Burro Act, The HSUS advocated the preservation of wild horse and burro herds through a humane and fiscally sound management program.

Mr. Chairman, The HSUS is opposed to S. 2183 because we find that this legislation will create serious new problems and open the door for the same types of abuses that enraged the public and prompted the enaction of a protective law. Principally, we are unalterably against any provision which would allow unadopted animals to be sold at auction as authorized by this bill. The implications are obvious. The vast majority of horses and burros offered for sale will be purchased by the killer buyers for immediate transport to slaughter.

It is disturbing that changes in the Wild Horse and Burro Act are even under consideration at this time, preceeding as they do the completion of research studies as required by the Public Rangelands Improvement Act of 1978. A refreshing point of agreement between ranchers, conservationist and animal welfare groups was the need for objective, scientific data to identify sound management alternatives. Bitter controversies arising from BLM's inaccurate census techniques and perceived mismanagement of wild equines promised to be ameliorated by the findings of a far reaching study conducted by the prestigious National Academy of Sciences. Despite the Congressional mandate and popular support for this research, BLM failed to allocate sufficient funds to the NAS. A mere six out of eighteen identified projects have received any funding.

The Interior Department's advocacy of sweeping amendments to the Wild Horse and Burro Act is indicative of their "shoot first and ask questions later" attitude. The NAS program was intended to examine and recommend feasible alternatives to expensive round-up efforts. They would, for example, determine whether horses would be controlled on the range by skewing the sex ratio of the herds, or through the use of chemosterilants, barrier fencing or habitat manipulation. If these questions were adequately explored, present controversies would be resolved and management changes would reflect substantiated facts rather than presumptions.

We believe that the BLM already has sufficient authority and discretion under the Wild Horse and Burro Act to effectively maintain and limit populations. The Adopt-A-Horse program has found homes for approximately 37,000 animals and would continue to do so if properly managed. However, by raising the adoption fee to the unreasonable level of $200 per horse and $75 per burro plus transportation costs, the Bureau has pushed the price for acquiring one of these animals beyound the range of many potential adopters. This fee increase seems intended to deplete adoption demand so as to provide a rationale for allowing the sale of wild horses and their carcasses.

Apparently, it is the policy of this Administration that the wild horse management program pay for itself through increased fees and slaughter revenues. The BLM's own analysis proves that this cannot be accomplished. Their figures show that raising the adoption fee above 145 dollars will substantially reduce adoption demand. At 200 dollars it is reduced by half. Yet the adopted horses will bring an average of only 100 to 115 dollars per head from slaughter horses. Logically, the adoption fee should be set at an amount no higher than $125 to encourage the placement of all horses through the Adopt-A-Horse program.

S. 2183 does not, as its proponents claim, reduce the opportunity for individuals and corporations to commercially exploit wild horses and burros. By restricting the number of animals an individual can adopt to only two horses or burros, preference is given to those who wish to purchase large groups of horses at lower cost and without protected status.

Another provision creates the illusion that the animals will be "protected" under all existing state and federal humane laws. This is a smoke screen. There are no federal humane laws providing for adequate food, water, shelter, or [illegible] using humane treatment of animals. State laws have always applied regardless of federal recognition.

In conclusion, Mr. Chairman, The HSUS is thoroughly opposed to S. 2183 We are asking for a guarded approach in dealing with the management of a unique group of animals that is acclaimed to be an important part of American history and our western heritage. We ask that you delay any amendments to the Wild Horse and Burro Act until the NAS study funds are restored and the research completed.

The CHAIRMAN. Thank you very much, Mr. Paulhus.
Ms. Reilly.

## STATEMENT OF HELEN REILLY, INTERNATIONAL SOCIETY FOR THE PROTECTION OF MUSTANGS AND BURROS

Ms. REILLY. Thank you, Senator.

My name is Helen A. Reilly, president of International Society for the Protection of Mustangs and Burros, Reno, Nev. I would like to make a statement in addition to our written testimony that has been presented to you.

We have been involved in the struggle to obtain protection, management, and control measures in behalf of wild horses and burros for over 25 years. Our organization spearheaded the successful drive for legislation passage of the Wild Free-Roaming Horse and Burro Act of 1971, which should have been a happy ending for the wild horses and burros. It wasn't.

More than 10 years have passed since the passage of the act, and still we have not seen a management or control program because of bureaucratic footdragging and lack of funding.

We are gravely concerned because we do not have any management plans now that guarantee a safe future for the wild horses—a plan which would perpetuate viable wild horse herds in a manner compatible with wildlife, livestock, and resources.

This requires funding which the Bureau of Land Management does not have. Lack of funds to remove the excess horses and burros has seriously weakened the intent of the 1971 law to provide a measure of management, control, and protection.

Since it is obvious amending the 1971 law to allow sale would send most of the horses and burros to slaughter, it would reopen the present protection for these animals to the kind of abuses of the past when slaughtering of these mustangs created a shameful episode in western history that the 1971 law was designed to halt. We are totally against sale of the animals on the open, public, and commercial market for any reason at any time. Under this amendment, wild horses and burros could become only a legend much faster than we thought.

Mismanagement of the program by Bureau of Land Management has created the problems we face today. Juggled figures that more animals exist than is reality is also a problem. The higher adoption fees instituted in January 1982 has curtailed the program, and the answer is not to curtail the adoption program, but to make it better.

The Government does spend a good deal of money to round up and give out the horses, and higher fees might be financially desirable. But the Government also has a responsibility to the horses and burros, which it created itself, and which should be met by making it as easy as possible to adopt them out. That means minimal fees.

The wild horse and burro herds must be controlled to protect the rangelands for themselves as ~~well as~~ for wildlife and domestic livestock. But slaughter them? No!

I do believe that the McClure bill allows too many loopholes for abuses by those opposing the interests of the wild horses, and if passed, would enfold those abuses in the protective cloak of legality. I cannot in good conscience support S. 2183, nor can I sit by and allow the public to believe that it is the answer to the situation.

We owe it to those who have supported our endeavors for these many, many years, and to the wild horses and burros who have inspired that support, to obtain the best program in their behalf that is humanly possible to devise. To allow the sale of excess wild horses and burros for slaughter is not in their best interest. Anyone who remembers the bloody purge of the 1940's and 1950's, when massive range-clearance programs were carried out, can understand why this door must not be opened again.

Thank you for this opportunity to express my views.

[The prepared statement of Ms. Reilly follows:]

**INTERNATIONAL SOCIETY**
**FOR THE**
**PROTECTION OF MUSTANGS & BURROS**

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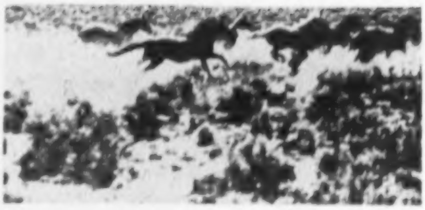

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August 2, 1982

Honorable James A. McClure,
Chairman of the Energy and Natural
Resources Committee

Dear Mr. Chairman:

There has been some diversion from the mandates of the 1971 Act; the Federal Land Policy and Management Act of 1976 permits the use of helicopters in gathering of wild horses and burros, which is more efficient and less stressful to the animals. The Public Rangelands Improvement Act of 1979 allows the federal government to give title (after one year) to horses and burros adopted by individuals. That helped place more animals.

Since enactment of the legislation, the Bureau of Land Management's responsibility in terms of protecting, managing and controlling wild horses and burros on all the public lands throughout the eleven Western States has increased, at least a hundred-fold, and BLM is faced with the impossibility of carrying out that responsibility on a fiscal budget already cut and stretched to the breaking point through additional demands occasioned by the multiple use concept and the inflationary monetary trend.

Why must the wild horse and burro program have to pay for itself? What government program pays for itself? It has been pointed out by those not espousing the cause of the wild horses and burros that by allowing the sale of the excess animals, the cost of the program would be reduced. The low grazing fees charged the domestic livestock industry for its use of the public lands which in effect has become a subsidy of the industry by the public, and the domestic livestock grazing budget has been raised by $3 million.

The adopt-a-horse program is virtually at a standstill since the new adoption fees became effective, January 1982. Only 2,323 animals have been adopted out from January through July, 1982, and now averaging about one horse a week throughout the distribution centers. Applicants requesting 45,700 animals dropped to 2,635. The higher fees are curtailing the program, giving the BLM an excuse to amend the 1971 Act to allow the sale of excess wild horses and burros. The program worked and still can work, but the fees must be lowered. Included in this written testimony copy of a documentation to adjust wild horse adoption fees.

The adopt-a-horse program is vital to the effort to bring some control to the wild horse and burro population. In truth, our efforts must be increased in that direction.

Why the rush to legislate before the National Academy of Sciences studies are completed and analyzed? Preliminary reports from the NAS say there has been only an eight to ten percent increase in the population in the last ten years, despite claims from ranchers and the BLM that the increase has been 20 to 45 percent. BLM is using it's over-estimate figures to convince Congress and the public that the horses are overtaking public lands. No one seems to be screaming about the 5.3 million livestock, about the 2.5 million deer population, nor the 750,000 member antelope herds on the same land. Animal numbers beyond the carrying capacity of the resource land encourage not only depletion of the land, but disease, malnutrition, and suffering among the herds as well.

There is, indeed, a grave lack of information on these animals, including population growth rate, extent of horse and burro rate, impact on the land resource and other knowledge that would provide a scientific basis for judgement. Lack of information is all to frequently used to justify a negative approach and condemnation of the 1971 Act as a whole, and it has become abundantly clear that we must be more knowledgeable so the provisions of the law, which clearly and importantly call for controls to be exercised where necessary, can be put into effect on other than biased basis. We would hope that Congress would want to see the NAS studies before making critical decisions now.

Enactment of legislation as proposed in S. 2183 would negate the 1971 Act. Emasculating the law as proposed, by opening the door to commercial slaughter by sale without restrictions, will only lead to a repetition of that abhorrent era that resulted in removal of thousands upon thousands of wild horses from our public lands, this time with the blessing of Congress.

We oppose the amendment to allow sale of excess wild horses and burros as a deterrent to over-zealous control measure if permitted, would be a potential for complete elimination. Regardless of the reasons of special interest groups, there can be no justification for the cruelty and ruthlessness which characterize the sale of wild horses and burros, nor any excuse for the lethargic people who are in support of this amendment.

In the March 9, 1982 Congressional Record, Senator McClure gave a false impression that there are some who enter the wild horse and burro fray simply for controversy's sake and to enhance their own financial stability, and not from a deep desire to solve the problem.

Every person representing any organization regardless of size or background is deeply concerned. The fact we cannot agree is distressing and destructive, not only toward the goal of saving the horses or as many as humanly and humanely possible, but to ourselves as well.

It is difficult for one interested in wild horses and burros to be critical of any sponsor of a bill which is believed to be of help to the program, but it is because of my interest, I must set forth my comments. It is my opinion that S. 2183, as it is now written, spells disaster for the wild horses and burros. I am quite optimistic that if the public and Congress both focus on this they won't allow it, because there is extraordinary public consensus they DO NOT want the 1971 Act weakened!

I am definitely in favor of an Advisory Board. An Advisory Committee must be appointed, and although it is to serve without remuneration, its members are to be provided with per diem expense allowances. I believe that a board comprised of representatives of each interest involved (range management, wildlife, fish and game, domestic livestock, humanitarianism, wild horse and burro preservation, economical factor) would be an equitable basis for committee appointment.

Before closing, lets take a look at these wild horses that are supposedly such a menace and see if they are 100% useless. It is a habit for horse bunches to paw and roll in water holes thus making a sealed bottom that will hold water longer and later into the dry summer months. Horses uncover feed for other animals when snow gets deep by restless moving and pawing of feed that is covered with snow. Horse manure scatters range seeds, etc. So possibly nature provided the horse for a purpose after all.

It is my opinion that it is far from sentimental foolishness that we take strides to do something about the black pages that have been and are being written in our history about the inconsiderate handling of the wild horse, mustang, broomtail, fuzzies, or what ever pet name you have for this animal that is so picturesque of our free "live and let live" Western States.

Respectfully submitted,

Helen A. Reilly

Helen A. Reilly (Mrs. John W.)
President

## PROPOSAL TO ADJUST WILD HORSE ADOPTION FEE

### Problems With Current Fee

The current adoption fee of $200 per horse has caused a major decrease in the quantity of wild horses adopted from the Palomino Valley Center. Between January 1 and March 15, 1982, only 45% of the horses were adopted. For the same period in 1981, 89% of the horses were adopted at a fee of $25.

Despite this decrease in quantity revenues have increased sharply from about $2,300 per hundred horses gathered at $25 to about $9,000 per hundred horses at $200. Costs have declined for compliance and will decline for title transfer since fewer horses have been adopted. At the same time other costs have increased. Since the average horse is maintained at the corrals for at least 30 days with the $200 fee compared to about 20 days with the $25 fee, hay and labor costs have increased sharply. Security costs have increased due to vandalism prompted by the $200 fee. If the unadoptable horses are destroyed, additional costs would be incurred. Destruction costs would be about $20 per horse. The Bureau would also have to absorb transportation costs for any horses shipped to other adoption centers and destroyed. These changes would cause the cost per hundred horses gathered to increase from about $8,300 at a $25 fee to about $11,500 at a $200 fee (excluding capture or overhead costs).

Perhaps the most significant cost has been the loss of public support for a program which had been very popular.

One of the major reasons for raising the fee to $200 was that the $25 fee covered only a small part of the cost of the program, and it was felt that therefore, the adopters were being subsidized. However, horse adopters should not be required to bear the entire cost of the program since there are many other benefits, e.g. livestock, wildlife, and watershed. The adopters should be required to pay fair market value as directed by Public Law 94-579 Sec. 102 (a)(9). This report develops such values.

## Alternative Fee Strategies

Two alternative pricing strategies are analyzed in this report. The first is the establishment of an optimum single fee based on supply (bureau costs) and demand. The second alternative is to establish a variable fee structure based on the quality of individual horses. Both pricing strategies should approach fair market value. This analysis is based on current regulations. If changes such as immediate transfer of title are instituted, further analysis would be required.

### Alternative One

The optimum single fee was determined by developing a demand schedule through regression analysis (Table 1). This schedule indicates the percent of horses that would be adopted at various prices. It is based on the percent of horses adopted at a fee of $15 from the Susanville corrals in 1981, at $25 from Palomino Valley in 1981, and at $200 from Palomino Valley in 1982. It also includes an estimate by Palomino Valley Staff of the percent of horses

## TABLE 1
## HORSE ADOPTION PROJECTIONS

Based on: $(\% \text{ of horses adopted})^2 = (91.7)^2 - .16(\text{price})^2$

Derived from:

| % Adopted | Price |
|---|---|
| 92 | $ -15 |
| 89 | 25 |
| 85 | 100 |
| 45 | 200 |

| Price | % Adopted | Gross Revenue/ Horse | Cost/[a] Horse | Net Revenue/ Horse |
|---|---|---|---|---|
| $ 25 | 91 | $ 23 | $ 83 | $ -60 |
| 60 | 88 | 53 | 82 | -29 |
| 70 | 87 | 61 | 81 | -20 |
| 80 | 86 | 69 | 82 | -13 |
| 90 | 84 | 76 | 83 | -7 |
| 100 | 83 | 83 | 84 | -1 |
| 110 | 80 | 88 | 85 | 3 |
| 120 | 78 | 94 | 88 | 6 |
| 130 | 76 | 98 | 90 | 8 |
| 140 | 73 | 102 | 92 | 10 |
| 150 | 69 | 104 | 95 | 9 |
| 160 | 66 | 105 | 99 | 6 |
| 170 | 62 | 105 | 102 | 3 |
| 180 | 57 | 102 | 105 | -3 |
| 190 | 51 | 97 | 110 | -13 |
| 200 | 45 | 90 | 115 | -25 |
| 210 | 37 | 77 | 121 | -44 |

[a] Does not include capture or overhead costs.

that could be adopted at $100 based on conversations with potential adopters. Both linear and non-linear regressions were performed.

Since the non-linear curve fit the data best it was used to develop the demand schedule. It should be noted that the demand schedule is based on limited data and should be considered only a rough approximation.

The procedure also included developing a schedule of variable costs associated with various price levels. These costs did not include capture and overhead costs because these would not vary significantly with price. Palomino Valley records were the primary source of data. The cost schedule was based on the following data and assumptions:

1. About ten percent of the horses would be destroyed due to medical reasons regardless of the fee.
2. About three percent of the horses would die.
3. Processing costs would total $25 per horse on the remaining 85 percent.
4. Destruction costs would be $20 per horse.
5. Seventy-five percent of the horses would be maintained at Palomino Valley at a feeding cost of $1.55 per day.
6. Twenty-five percent of the horses would be shipped from Palomino Valley and maintained at other adoption centers for $3.25 per day.
7. Security costs would increase from $0 at a $100 fee to $.29 per horse per day at a $200 fee.
8. Unrecovered transportation costs would average $75 per horse for 14 percent of the unadopted horses shipped from Palomino Valley and destroyed at the other adoption centers.

9. Adopted horses would average 20 days of feeding.
10. Horses destroyed due to non-adoption would average 53 days of feeding.
11. Horses that died or were destroyed for medical reasons would average five days of feeding.
12. Compliance checks would be performed on eight percent of the adopted horses. This is down from eighteen percent in 1981 due to change in policy.
13. Each compliance check would cost $235.
14. Title transfer costs would be $6 each.

As Table 1 indicates, the net loss per horse was about $60 at the $25 fee. The $200 fee has decreased this loss to $25. However at a fee between $130 and $150 net revenues of up to $10 per horse could be obtained. Since there is very little variation in revenues within this range and fewer horses would have to be destroyed at the lower end, a fee of $130 is considered optimum. At this fee the Bureau would earn a return of $8 per horse over variable costs. The program would still have significant losses if overhead and capture costs are included. At a $130 fee the net costs (including overhead and capture) would be about $380 per horse compared to $450 at a $25 fee and $415 at a $200 fee. This measure could reduce Bureauwide costs by $260,000 compared to a $200 fee assuming that 7,500 horses would be gathered and that the demand and cost schedules would be similar for other states.

The lower fee would also substantially reduce public opposition to the program since fewer horses would have to be destroyed.

Alternative Two

The first step in generating the variable fee system was the development of a horse grading system (Table 2). The system was produced by Carson City district staff and recommended by the Carson City District Advisory Council. Further analysis and pretesting resulted in minor modifications. The proposed grading system was developed for simplicity and ease of implementation. It was limited to six characteristics that can be determined quickly by the adoption center staff: sex, age, conformation, height, weight and color. Although any number of grades could be established, the proposed system was limited to four in order to ensure simplicity.

The recommended prices for each grade were based on interviews with two individuals in the Carson City area that are involved in the private horse market and are knowledgeable about wild horses; with the contractors running the adoption centers at Spanaway, Washington and Valley Mills, Texas; as well as recommendations by Palomino Valley staff. As Table 2 indicates, the fees would range from $80 for Grade Four horses to $275 for Grade One horses.

Estimated receipts were based on the demand schedule in Table 1. It was assumed that all unadopted horses would be Grade Four. At the Grade Four fee of $80, 86 percent of the horses would be adopted, one percent would have to be destroyed due to unadoptability and the remaining thirteen percent would die or be destroyed due to medical reasons.

Rough estimates of the percent of horses in each grade are displayed in Table 2. These are based on the experience of Palomino Valley staff. It should be noted that these percentages vary widely depending on where the horses were

### TABLE 2
### PROPOSED VARIABLE ADOPTION FEES AND GRADING SYSTEM FOR WILD HORSES

Adoption Fees

| Grade | Points | Estimated Percent of Horses | Recommended Fee |
|---|---|---|---|
| I | 7+ | 3% | $ 275 |
| II | 6 | 10% | 160 |
| III | 4-5 | 37% | 125 |
| IV | 0-3 | 50% | 80 |

Grading System

Age: 0-4 points

| | Studs | Mares |
|---|---|---|
| 6 mos. | 1 | 1 |
| 1 year | 2 | 2 |
| 2 years | 3 | 3 |
| 3 years | 4 | 4 |
| 4 years | 3 | 3 |
| 5 years | 0 | 2 |
| 6 years | 0 | 1 |
| 7 years + | 0 | 0 |

Conformation: 0-3 points

| | |
|---|---|
| Excellent | 3 |
| Good | 2 |
| Fair | 1 |
| Poor | 0 |

Height: -1 for horses 3 years or older and less than 14 hands

Color: +1 for good color

Weight: +1 for horses 1000 lbs. or more

Note: Pair-rate only wet mares.

gathered. In areas where feed is limited and inbreeding occurs, a much higher percentage of Grade Four horses would be gathered.

Cost estimates were based on the cost schedule in Table 1. The cost schedule is dependant upon the percentage of horses adopted, therefore the cost estimates for the variable fee structure were based on the percent of horses adopted at the Grade Four fee of $80. An additional dollar per horse was added to account for the cost of administering the variable fee system.

If the variable fee system is implemented, receipts per hundred horses gathered would be about $9600. Variable costs would total $8300 for a net return of $1300 per hundred or $13 per horse. If capture and overhead costs are included, the net cost would total about $375 per horse compared to $415 at the $200 fee. This measure could reduce Bureauwide costs by $300,000 assuming that 7500 horses would be gathered and demand and cost schedules would be similar for other states.

The variable fee structure would also substantially reduce public opposition to the program since a minimal number of horses would have to be destroyed.

## Conclusion

Either alternative would be an improvement over the $200 fee. They would both result in substantial savings to the Bureau, reduce the number of horses that would have to be destroyed, reduce public opposition to the program, and meet FLPMA's requirement to charge fair market value.

The primary advantage of the $130 single fee system would be ease of implementation. The variable rate system would be more difficult to implement and administer. Significant controversies could be generated over the accuracy of the grading and pricing systems. On the other hand, the variable fee system would result in a greater reduction of net costs, fewer horses destroyed, and a more accurate reflection of fair market value. Much of the controversy over grading and pricing could be reduced by re-evaluating and adjusting them if needed on a biannual basis.

The CHAIRMAN. Thank you. I appreciate your comments, Ms. Reilly. Mr. Anthony?

## STATEMENT OF DART ANTHONY, HUMANE SOCIETY OF SOUTHERN NEVADA

Mr. ANTHONY. Mr. Chairman and members of the committee, my name is Dart Anthony, and I'm chairman of the board of directors of the Humane Society of Southern Nevada. The Humane Society of Southern Nevada is chartered in the State of Nevada, based in Las Vegas, and is one of the West's largest animal welfare groups.

Upon review of Senate bill 2183, which would amend the current Wild Free-Roaming Horse and Burro Act, which was introduced by you, Mr. Chairman, and unfortunately, by Nevada's own Senator Paul Laxalt, shows and proves that a few certain Members of Congress representing a very special vested interest group can change the meaning of the term "butcher"!

The people of the United States are entitled to know just what these amendments really would do—even though they are clearly disguised in language so animal-cuddly that you might suppose Walt Disney and St. Francis of Assisi had a hand in drafting it.

One thing must be made very clear, Mr. Chairman and members of this committee: the wild horse and burros that roam on our western ranges belong to the people of the United States—not the vested interests of the cattle industry. They are there because we, the people, want them there. That's why the original act was passed in the first place—to protect them just from what your amendments would, in essence, do to them.

Mr. Chairman and members of this committee, it's no secret; everyone knows that since Secretary James Watt took over the Department of the Interior, along with his clone, Bob Burford of the BLM, they have wanted to have sell authority; your amendments would allow that.

You're trying to put the Government of the United States and the people of this great country in the killing business. Let me assure you, the American people won't stand for it. What you should be doing is strengthening the current Wild Horse and Burro Act—not weakening it.

These animals need more protection from mustangers, manipulators, mercenaries, and the killer buyers—not less.

We keep hearing about the cost involved to manage these wild horse and burro herds. The small subsidy to the herds doesn't amount to a hill of beans, and you know it. You should be looking at the billions of dollars in subsidy to the livestock, ranching, farming, and dairy industries.

The vested interests groups are not kidding anyone. As you know, the most powerful and organized pressure group arguing for the reduction or elimination of the wild mustangs and burros herds is the rancher, with his approximately 6 million cattle and sheep sharing the same public grazing land. It is also important that the public know.

As you know, on March 1st of this year, the grazing fees charged by the BLM was reduced from $2.31 to $1.86 per AUM; and only 93 cents of the $1.86 goes to the U.S. Treasury. The balance goes back to the rancher. Now, that's some sweet deal. But, what it really amounts to is a rip-off of the public. For the public's benefit, an AUM is the amount of forage consumed by one beef cow with a calf in a month. In other words, for the $200 BLM now charges a person who wants to give a wild horse a humane home, a rancher can keep 108 head of cattle on the public lands for a month. Last year, cattle consumed over 11.5 million AUM's. Fewer than 35,000 horses that roam in all of the 10 Western States graze on the public lands.

Now, Mr. Chairman and members of the committee, tell me and the general public, which animal is causing the damage to the range? The bottom line is and always has been: The wild horses and burros are in competition with the cattle and sheep industry. I think these gentle animals have been the scapegoat far too long, and that's why those of us who care about their welfare have gone to battle for them. None of us can stand by and let them be destroyed for vested interest.

You have a duty to the American people to help the wild horses and burros, and you can start by dropping these ill-advised amendments to the Free-Roaming Wild Horse and Burro Act.

I think we should all work together to strengthen this act and not weaken it.

In the State of Nevada, where I come from, the only study that was ever conducted by a public survey was done by our counterparty in Reno, Nev. The survey ended up, with the results of the participants who responded, with 73 percent of the public. They are saying the wild horses need more protection.

I obviously, and courteously, invite you, Senator McClure, to the sovereign State of Nevada to have some of your meetings held in the southern part of the State, in Las Vegas; and hold meetings there.

Thank you very much for your time.

The Chairman. Thank you, each of you.

The American Horse Protection Society and the International Society for Protection of Wild Horses and Burros have a relatively single purpose with respect to their organization. I think that's fair to say. But the Humane Society in the United States, nationally and the local units, have broader mandates, broader charters; and I think that's a correct statement.

The humane societies maintain animal shelters in most metropolitan areas of the United States. Among their duties and among their activities under their charters in those cities is to provide a place, a humane place, for dogs and cats and other animals that are found within the city that are homeless. Is that not correct?

Mr. Anthony. Um-hmm.

The Chairman. As a matter of fact, all of those animals in those shelters are available to anybody who will come, and you try to place them in good homes, of course; is that not correct?

Mr. Anthony. The Humane Society in southern Nevada, for the record, is what you call a shelter. The city pound is owned and operated by the city of Las Vegas. We monitor what they do.

The Chairman. And the animals there are available for whomever might come and offer a good home?

Mr. Anthony. Yes; after they are checked out to see that they have enclosed yards and such, yes; you are right in that area.

The CHAIRMAN. After an end of a period of time, under city ordinances or policies, homes are not found for those animals, those animals are destroyed; is that not correct?

Mr. ANTHONY. In some cases, yes, In Las Vegas; and then we take them out and get them adopted.

Mr. PAULHUS. Senator, I think I catch the drift of where you are going. I caught it some time ago, but let's cut this short. I think there is a difference——

The CHAIRMAN. All right. Tell me.

Mr PAULHUS [continuing]. Between humane euthanasia and slaughterhouses. We have not opposed the provisions in the existing Wild Horse and Burro Act that provide for the destruction of sick and lame horses.

The CHAIRMAN. Or excess?

Mr. PAULHUS. We would like to see a definition of the word "excess." It's a term that's bantered about, and that's some of the controversy—if we could determine what a fair figure is.

The other thing we would like to see explored—and what the NAS study did or promised to show us—is whether or not there is some way that we can utilize by logical control or whatever, to reach ZPG, as it were. Then it would be at once more cost effective and more humane.

So that's what we are really seeking. A good management program that doesn't—now, I can understand how appealing it must be to get a little bit of money for these animals, but it's only $100 per horse; and they have to endure an incredible amount of cruelty on their way to the auction, at the auction, and during transportation and at the slaughterhouse. It is something that the humane societies of the United States and all humane groups couldn't abide.

We could abide the euthanasia, the humane euthanasia, by painless injection of animals for which no good homes are available.

The CHAIRMAN. I understand that. But the point I was obviously trying to make is, the Humane Society itself does indulge in the necessary practice of euthanasia, the killing of excess animals that you simply can't find a place for.

Mr. PAULHUS. Right, and in many ways it's not as simple an analogy as it might appear because the breeding of pets—dogs and cats—is not in any way controlled or controllable by the Humane Society.

The wild horses, I think, through this program we could find a way; just simply in skewing the ratio of stallions to mares on the range. We could——

The CHAIRMAN. You don't understand stallions very well.

Mr. PAULHUS. Sir, I have got a degree in animal husbandry. I understand stallions very well, and I own them.

Mr. ANTHONY. I can speak very clearly and on the record for the society in southern Nevada.

It's been chartered for 4 years, and the records indicate, since I have been chairman for the last 4 years, the Humane Society has never euthanized any dog or cat unless it was fatally injured by the accident; and that's one damn record to be proud of.

Our job is to find homes for abandoned dogs and cats.

Our other job, for the record, we are deputized peace officers, granted peace powers in the State of Nevada through the district courts there. We enforce State laws, enforce local and county ordinances.

Our job is to monitor what goes on by the city-run government pounds. We save hundreds of animals per month out of that place when no care is given to them and euthanasia becomes automatic, and no one cares to find a home. And I do want to make that distinction, that the Humane Society that owns and operates it——

The CHAIRMAN. Would the Humane Society be willing to accept the custody of the animals removed from the ranges?

Mr. ANTHONY. We have gone one step further. The Humane Society in southern Nevada is currently building one of the largest wild horse and burro adoption centers in the country in Clark County. We are working very closely with Paul Mead from the Palomino facility owned and operated by the BLM.

In fact, our architects will be meeting him so we can correct some of the flaws that they have in their facility.

Our job—and I feel that the one thing that's important—maybe the Government doesn't have enough time to adopt them out, but just because a certain time limit has occurred, I don't see the necessity to kill those animals. If there is a little more time given to them, maybe we can get them adopted out, and I don't think that's too much to ask.

The CHAIRMAN. I was going to make a comment earlier because some reference had been made to the fact that BLM is not spending enough money on this program; and you, Mr. Anthony, made the point—a valid point—that the American public has an interest in this program, and that as a result of that interest in the program the Congress passed a statute.

The Congress also passes on the appropriations bills that determine the amount of money that is available to the BLM and the other Federal agencies for the administration of the program.

The appropriations committees have directed the BLM to close the gaps between the cost of the program and the amount of money that is recovered in the adopt-a-horse program.

Mr. ANTHONY. I think you would agree, Senator, that probably one of the biggest controversies that exists in the country today between animal welfare groups and the livestock industry an d the bureaucrats that run the entire program is that nobody really knows how many wild horses and burros there are on these western ranges.

I have heard today seven different estimates of what they are. For example, in your own testimony—statement here—you show 20 burros in the sovereign State of Idaho. To me, trying to leave those burros alone—just the money to conduct this hearing today cost us as taxpayers more money than the whole problem's worth, 20 burros in the State of Idaho or——

The CHAIRMAN. That's only part of the problem.

Mr. ANTHONY. But I think I made it very clear about the range damage. I think the Cattlemen's Association——

The CHAIRMAN. I understand what your opinion is, of course. You made that very clear.

Mr. GASPER. Senator, may I have a brief comment?

The CHAIRMAN. Sure.

Mr. GASPER. Your line of questioning concerning necessary euthanasia I believe assumed that there would necessarily be a large pool of unadoptable wild horses for which there is no other alternative, and I don't believe that has to be the case. I believe the performance of the adopt-a-horse program in fiscal year 1981 shows that there are many adopters who are more than willing to take all of the horses that BLM chooses to remove and wants to remove, as long as the adoption fee is kept within reasonable limits so that the economic incentives are for adoption, and I believe that an economic analysis of what BLM could raise by adopting out as many horses as possible at a reasonable fee level—at $100 or $125, which is competitive—would raise as much money for BLM's program as would the combination of the $200 adoption fee and the sale at the slaughterhouse prices.

And the intent of Congress in creating the wild horse adoption program should force or direct all of us to work toward the end of maximizing adoptions and maximizing revenues within the context of a successful adoption program; and I think there need not be a pool of 5,000 or 6,000 horses that must be disposed of somehow.

The CHAIRMAN. Thank you very much. I appreciate your testimony.

Next panel will be Mr. Will Ingram of Challis, the representative of Custer County Farm Bureau, Mr. Andy Anderson, Mr. Gale Chambers, and Mr. Bill Ross.

You may proceed.

## STATEMENT OF WILLIAM INGRAM, CUSTER COUNTY FARM BUREAU

Mr. INGRAM. Senator McClure and Senator Symms, I am William Ingram from Challis, Idaho. I am a member of the Challis stewardship group at Custer County Farm Bureau this past several years, and a rancher at Challis. I am representing Custer County Farm Bureau, which is over 300 members in Custer County and our family ranch and operation.

We had a family operated ranch with BLM permits in the area where the majority of the wild horse herd is located. I am very happy to see that you, Senator, are trying to do something about the wild horse management problem.

In Challis we have no management of the wild horses at the present because of a judge's order that they cannot be gathered or controlled.

The Challis stewardship program has been going on now over 3 years. A lot of time and money has been spent with meetings and field work to develop allotment management plans for the Challis permittees that will improve the range under a multiple-use concept and still help them stay in business.

All the management plans in the wild horse area are in a rest-rotation system where one pasture is rested from grazing each year. We cannot and will not be able to fully complement these grazing systems until the wild horses are managed.

The Challis BLM permittees were required to take 37-percent reduction in the amount of cattle they can graze on the BLM. The BLM has gone ahead with the cattle reductions. At the same time the wild horses were to be reduced to an average of about 200 to 225 wild head.

By the end of this year the BLM figures there will be well over 400 head. This is after 2 years, or two roundups, which never did reduce the number to the level they say is right to maintain a healthy, vigorous herd that will not abuse the range.

On the one hand we have the cattlemen trying to improve the range and stay in business, while on the other the overpopulation of wild horses abuse and sometimes nearly destroy the rangeland.

This is not a just situation when ranchers' livelihood will be limited and the wild horse numbers continue to grow and damage much of the ranch, plus expanding the range boundaries.

Something has to be done. We appreciate your efforts to improve the situation by Senate bill 2183.

We feel the $200 adoption fee is too high and should be reduced. Our district BLM says they are reluctant to gather horses because of the $200 fee.

Also, we think horses not adopted after 45 days should be sold at public auction and proceeds go for wild horse range improvements.

In closing I will say that we appreciate the Senate bill 2183, but in the Challis wild horse management situation we need to have roundup, need to round up the excess wild horses.

The **CHAIRMAN**. Thank you very much.

Mr. Anderson?

## STATEMENT OF ANDREW ANDERSON, IDAHO FARM BUREAU FEDERATION

Mr. **ANDERSON**. My name is Andrew G. Anderson, speaking on behalf of the Idaho Farm Bureau Federation, a farm organization representing a membership of approximately 24,000 family members.

We appreciate the opportunity to testify before you today. The wild horses and burros have been the source of much controversy in the past. We compliment you and the committee for your efforts to bring more order to the management of these animals on western public lands. It has been very discouraging in the past to see the Bureau of Land Management go to the time and expense of preparing an environmental impact statement and putting in a management plan to try to achieve a balance between domestic livestock and wildlife, only to see the whole process destroyed because they have not been able to remove excess wild horses and burros from the range.

We agree in the intent of Senate bill 2183, amending the Wild Horse and Burro Act, which, in our opinion, is greatly needed.

It is time the fact that the wild horse and burro populations are, indeed, growing in number instead of decreasing, be made the cornerstone of the Wild Horse and Burro Act.

It is also essential that the managers on the local level be the ones that make the decision of when to decrease the horse and burro populations on the land under their jurisdiction. They, after all, are the ones that are familiar with the range and its conditions. In some instances in the past we have seen the control taken from local managers and a vain and badly bungled attempt made to manage the horse and burro population from the courtrooms of the East.

There is no better example of this than the Challis area, where after much study and work, the local land managers set a number for wild horse and burro population limits. When these limits were surpassed, the efforts of the local land managers to have roundups have been thwarted, and we now see the number of wild horses and burros far exceeding the limit, and as a result see great damage being done to the habitat relied on by wildlife and domestic livestock.

We have no argument that the wild horses and burros rounded up should be treated well and taken care of by those adopting them. We applaud the committee in your efforts to streamline the program and cut the overhead costs and agree that the BLM and Forest Service should be able to conduct roundups and dispose of the animals through a program that recovers the cost, or at least a part of the cost, of the roundup.

Once again we thank you for this opportunity to testify before you and state our support for your efforts to bring reform where it is greatly needed. We urge the Environmental and Public Works Committee to support these much-needed amendments.

The CHAIRMAN. Thank you very much. We appreciate your testimony this morning.

Is Mr. Chambers from the Idaho Farmer-Stockman here, or Mr. Bill Ross, the National Cattlemen's Association, from Jordan Valley?

If either of them come in later we'll try to arrange some time for them to be heard.

Mr. Ingram, you indicated that you believe that the roundup and removal will be inhibited by the $200 fee. You believe that there would be more removed from the range at a lower fee. Did I understand you correctly?

Mr. INGRAM. No; I didn't mean the roundup. The BLM says they are reluctant, together with the $200 adoption fee—because they don't think they can get them adopted. Then they have to destroy them, so they're reluctant.

Actually, I think that fee ought to be reduced, maybe back to—what was it?—$50 before?—because I think the adoption program was working well. But I don't believe they can get them adopted at $200.

The CHAIRMAN. Congress directed them to try to come up with enough revenues to close the gap. This was their response.

Would you prefer that we—if I understand you correctly, you would prefer that we go back to a lower fee even though the gap between costs of the program and the recovery and the sale of the animals would be increased? In other words, the cost to the taxpayer would be greater, but you think it would work more effectively?

Mr. INGRAM. Well, yes. I don't know how you recover the cost of gathering those horses. If you have the $200 fee on there you don't get them apoted, and I think a public auction might generate the most income to offset the gathering fee.

The CHAIRMAN. I know—Yes?

Mr. ANDERSON. Senator, perhaps maybe a lower adoption fee in conjunction with some of the streamlining effects that you've recommended by your piece of legislation in cutting the overhead, the paperwork, and streamlining this—I'm sure that's going to cut the cost of the BLM of the wild horse program, of cutting out some of this paperwork and maybe a lower adoption fee, something less than $200, but something more than what the program used to bring in; the combination of those two things plus the authority to sell excess animals would probably bring in—or close that gap considerably.

The CHAIRMAN. I should have asked the questions of the other associations that were on the last panel, and I'll try to get back to them to ask that question; but one of the big costs is cost of compliance inspection. The current adopt-a-horse program requires that the people who adopt the horse keep the horse, keep it in a humane manner and so on. That imposes upon the BLM or the Federal agencies conducting the sale the responsibility of making certain that those conditions are met. That means that there is a postsale followup that must be monitored. They have to see whether or not the horses are kept—whether or not they are kept in a humane manner, whether or not they have been treated the way they are supposed to be treated under the statute.

One of the ways of reducing the cost, almost cutting it in half, would be to do away with the compliances provision. There are obvious problems with doing away with the compliance provision. As long as we have restrictions and as long as we are concerned with what happens to the horses after they are sold, it has added to the cost of that provision.

The people who are buying those horses don't bear any part of the cost of compliance. I don't know where we balance the national interest, the interest of the public as a whole, against the benefit to the people who adopt the horses as against the interest of the taxpayer in having his money spent wisely.

I guess that's part of the reason I'm asking this question about what the fee should be. I think I can understand that the lower the fee is the more horses will be adopted. The more horses that are adopted, the higher the compliance cost becomes; and we'll have to get back into that question as to how we monitor that afterward as the numbers increase—and they certainly do increase because we are adopting out more horses every year than die every year, and so the numbers that are under the compliance provision will expand for 10, 15, 20 years.

Senator SYMMS. Just one question. Will. What kind of shape are these horses in in your area?

Mr. INGRAM. This last winter we've had several sightings of dead horses in our area.

Senator SYMMS. When I hear stories of how they are chewing on each other's manes and stuff and pretty shabby conditions——

Mr. INGRAM. Old timers will tell you, when the horses have a bad winter they do that, yes.

Senator SYMMS. Isn't there an alternative market rather than the adoption.

These horses are worth something, aren't they, on the hoof?

Mr. ANDERSON. Yes.

Senator, we support very strongly the provision in this bill for the sale of these excess horses, and if the horses are dying on the range, then something should be done for them.

The idea that "let nature take its course" is any less—or any more—humane than sending an animal to slaughter is ludicrous, in my opinion, because nature is the most cruel—if you've ever seen a horse starve to death or the effect—well, our own fish and game service ran a study on what they've done, on what the wild horses have done to the antelope population in certain areas of the State and how the antelope in certain areas are being wiped out because the horses have destroyed their habitat; so nature is not any more humane, or probably less humane, than selling the animals at auction, and that, in our opinion, is a very good alternative to the unadopted horses.

The CHAIRMAN. Mr. Gale Chambers of the——

Mr. CHAMBERS. Senator, I apologize for being late.

The CHAIRMAN. We are running ahead of schedule, maybe, if you can imagine that.

Mr. CHAMBERS. There is progress at the Federal level.

The CHAIRMAN. Mr. Chambers?

Mr. CHAMBERS. Not knowing what's going on, I will submit my comments, and just briefly——

The CHAIRMAN. The full comments will be made part of the record.

## STATEMENT OF GALE CHAMBERS

Mr. CHAMBERS. I'd just like to hit what I think to be the critical part of the wild horse program, and we can argue numbers and how many horses are out on the range; but the trend that concerns me mostly is the continuous upward trend and, lacking the exact figures on how many wild horses we have in the United States, I calculated to be somewhere in the neighborhood of 66,000 to 72,000 head; and by putting a little pencil to that, I compute that next year we will produce approximately 18,000 colts here in the public lands of the West.

What this means is, we will have to find 266,000 AUM's of range feed next year just to accommodate the increase, and if my figures of 72,000 animals are correct, that means we've already earmarked 864,000 AUM's of range to run the herd on.

If this trend continues, we could be committing 2 million AUM's of range feed just to accommodate a thriving ecological balance, as former Under Secretary Horton used to put it.

Now, for what it's worth, that has a commercial value of approximately $3 million in today's depressed market situation. We could be watching our first authentic subsidy, but the accuracy of my math isn't all that important. It's the continuous upward trend.

I think we can safely say that we have indeed saved the wild horses of the West. Maybe my math formula should read "saved squared times infinity." But I think we have to face up to the fact that the Adopt-a-Horse program is not working as a tool by which we should manage numbers. Like so many Federal programs, it's the giveaway features that create the problem.

I know that has little bearing, but why would a horse buyer go to the horse industry to buy a colt when Uncle Sam will give him one for free?

In this day and age, when there are those who say the West has been overgrazed, why do we continue to spend private user funds and taxpayer dollars year after year in improvement programs when we continue to turn out an animal that is uncontrolled and unmanaged?

The horses have to go somewhere. Most likely they will move on livestock ground. But once the livestock producer is removed, it becomes a challenge between the wild horse and wildlife, and Andy has already alluded to the Fish and Game study in the Challis area.

I would suggest that that publication be entered as part of the record, and I'd also suggest that the committee look at another publication, or several of them: One, a book on wild horses by Heather Smith Thomas of Salmon—and I realize the book is controversial, but it does contain many facts and many interesting ideas. And I would suggest the committee look at some research done in eastern Oregon.

I think the specialist there has compiled several data, wild horses, wildlife and livestock.

Now, I think the committee would be thrilled if they were to read Heather's book, to discover that the most pertinent testimony offered concerning what the wild horse roundup at Challis was offered by a movie and television actor. He tells us from time to time that beef is the most important ingredient in dog food.

Evidently the gentleman believes the actor, and this raises another question in wild horse management. Are wild horses going to be managed by professionals? Or has that privilege been usurped by the Federal bench and Hollywood bench?

Evidently we are managing the public lands from the benches in Hollywood and Washington, and we ignore things like trend condition, historical use, caring capacity, and items like that that are pertinent to public lands.

The Federal bench may well have created here in the American West something similar to the sacred cow in India.

[The prepared statement of Mr. Chambers follows:]

STATEMENT OF GALE H. CHAMBERS
AS PRESENTED TO A HEARING
CHAIRED BY IDAHO SENATOR JAMES
A. McCLURE REGARDING WILD HORSES

For the record, my name is Gale H. Chambers. I reside at 515 Logan Street here in Boise. For the past 16 years, I've been the editor of a general farm and ranch magazine. I admit that I've been a frequent critic of the Wild Horse and Burrow law for the past decade.

Now, no one can really argue with the concept that our wild horse and burro herds should be preserved. It's part of our tradition and western heritage. My constant concern with the program is that it "over preserves", often to the detriment of other animal species. My compliments to the Senator for holding this hearing which is somewhat unique in that we are dealing with a federal program that is successful -- my God, has it been successful!

Unfortunately, I do not have at my disposal today the most recent figures concerning wild horse populations. As wild horses increase at the rate of 20, 25 and upwards of 30 percent per year, the precise number isn't all that important. It is the upward trend that is vital.

I dare say that the five or six thousand head that we had when the program began has multiplied to roughly 72,000 head -- give or take a few thousand head. Now, that is pretty good growth and has exceeded double digit inflation for many years. I also lack the total numbers of horses given away in the adopt-a-horse program and the number currently being held in federal corrals -- I guess that would be some sort of foster home situation.

If my estimate of 72,000 animals is correct and we compute that this herd will produce 18,000 colts next year, then this means that the public land agencies will have to find some 216,000 AUM's for range feed next year to accomodate the increase. If the herd is indeed 72,000 animals, this also means that we have already earmarked some 864,000 AUM's of range feed to run the herd on. In three to four years, we could be committing roughly 2 million AUM's of range feed just to accomodate a "thriving ecological balance" as former under-secretary Horton used to put it.

For what it is worth, 2 million AUM's would have a commercial value of $3 million at today's depressed market situation. We may well be watching our first aesthetic subsidy.

Again, the accuracy of my math isn't all that important; it is the upward trend. Now, I've been told that BLM, and in this wild horse matter I do sympathize with the BLM, has since the program began given away for adoption some 11 thousand or 14 thousand horses. That is one year's colt crop out of the past 10 years. I think we can safely claim that the wild horse herd of the West has been saved. Maybe my math formula should read: $\text{Saved}^2$ x infinity.

And, I also believe that we must face up to the fact that the adopt-a-horse program is not the tool by which we sould manage numbers. Like many federal programs, it is the give-away features that create problems; problems like this bold concept - if we can't give them away, we'll sell them.

I know this has little bearing, but why would a buyer go to the horse industry to buy a colt when Uncle Sam will give him one free?

In this day and age when many are indeed concerned about the condition of the public lands and I would include those who say the West has been overgrazed. And, to that I would refer to the expenditures of private user funds as well as tax payer dollars that are invested year after year in improvement programs -- with all of this investment, why are we turning out an animal that is uncontrolled or unmanaged?

STATEMENT OF GALE H. CHAMBERS
Plus 2

Wild horses have to go somewhere. Most likely, they'll move onto livestock range and move the permittee off. I think Nevada can attest to that. Once the livestock producer is removed, then it becomes a challenge between the wild horse and the wildlife.

I suggest that the committee look at a recent Idaho Fish and Game publication concerning antelope and wild horses. I would suggest only one correction to the article and that is that the conflicts listed in the article were not that critical when the competition was between big game and domestic livestock.

I would also suggest that the committee look at another publication, a book on wild horses by Heather Smith Thomas of Salmon, Idaho. I realize that the book is controversial, but it does contain many good ideas and facts.

I suggest that these two publications be entered as part of the record. Now, the American Horse Protection people may object to Heather's book as part of the record as they objected to it being printed in the first place. In my judgment they attempted censorship via a court threat.

I think that the committee would be thrilled to discover that the most pertinent testimony offered concerning a wild horse roundup at Challis was offered by a movie and television actor who rides the Ponderosa each week and tells us from time to time that beef is the most important ingredient in dog food.

Evidently, the judge believed the actor and this raises another question in wild horse management. Are wild horses going to be managed by professionals or has that privilege been usurped by the federal bench? Evidently we are managing the public domain via the federal bench in Washington and we ignore things like trend, condition, historical use, range improvement, and carrying capacity.

STATEMENT OF GALE H. CHAMBERS
Plus 3

The federal bench has created here in the American West a compatriot of the Sacred Cow of India and I can excuse the cow because it is part of their sacred lifestyle.

Excess numbers of wild horses means problems and that is the crux of the matter in a nutshell. Evidently current law cannot control excess numbers.

Now I urge the committee not to become involved in"Mickey Mouse" management like spending money to sterilize every other stallion or to develop reproductive inhibitors. The sheep industry can attest to the fact that these headline catching ideas simply do not work.

Carrying capacity must be determined. Numbers must be determined and managed at that level. The current law allows surplus horses to be destroyed and I have yet to discover any incident where that has ever happened.

"Mickey Mouse" management only breeds contempt for the law. We need change that the public can and will respect.

By and large, I support many of the suggestions outlined by Idaho's senior senator in the announcements made public thus far.

The bottom line is a firm lid of numbers. We place lids on domestic livestock, we place lids on big game numbers. The name of that lid is carrying capacity and it has to fit all users of the public lands.

Now, I've said nothing about wild asses and I'll defer as this is an election year, even though the temptation is great.

May I conclude with a simple observation -- you know we could abolish every wild horse in the West and I could re-establish the herd by going to the horse auction in Caldwell and buying replacements.

So, the concept of wild horses is indeed unique, but it isn't that unique

Many times, I wondered about the old original Texas cowboy who unloaded the first cow and horse at LaVaca Bay in the 1500's. Suppose he had ridden the cow and eaten the horse, what would we be trying to save today?

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The CHAIRMAN. Thank you very much for your testimony; and in private conversation I've heard that comparison made before, about the value of human lives and the value of sacred cows in India.

Societies have difficulties establishing priorities, and sometimes we do create some of our own sacred cows.

Mr. CHAMBERS. Any questions I could answer for the committee?

The CHAIRMAN. Thank you very much. I might just comment that I have read Heather's book. It is a challenging book, and it has some items, I'm sure food for thought, for people on all sides of this controversy.

Mr. CHAMBERS. I'm sure the Senator is aware that there was a statement to ban publication of the book once it entered the marketplace.

The CHAIRMAN. Yes, I'm aware of that.

Senator Symms, do you have——

Senator SYMMS. No, no questions. I appreciate your testimony.

The CHAIRMAN. Thank you all very, very much.

Mr. INGRAM. It was stated before to the other panel that the cost of running cattle on the BLM range fee was given—part of it was given back to the rancher. I just would want to know who's been getting my share of that.

The CHAIRMAN. I thought at the time that statement was made there, an awful lot of people here were going to run down to the BLM and find——

Senator SYMMS. I'll tell you all, the consumers that are getting to buy that low-priced beef stock——

The CHAIRMAN. Thank you, gentleman, very much.

Next panel is Mike Hanley; Les Mendieta; the Oregon Cattlemen's Association—Mr. Bob Skinner—and Duncan Mackenzie, Mahogany Mountain Unit; Bill Lowry; Mr. Wendell Collins.

I believe these gentlemen are all from Jordan Valley.

We will find you a seat near the microphone in time to make your statement.

Mr. Hanley.

## STATEMENT OF MIKE HANLEY, MALHEUR CATTLEMEN'S ASSOCIATION, AND IDAHO CATTLEMEN'S ASSOCIATION

Mr. HANLEY. Testimony prepared by Mike Hanley on behalf of the Malheur Cattlemen's Association and the Idaho Cattlemen's Association for Senator McClure's hearing on proposed amendments to Public Law 92-195 relating to the protection of wild, free-roaming horses and burros.

Environmental concerns aside, the largest problem with the Wild Horse and Burro Act in its present form is the economic consequences. Because of this and other problems associated with the act, a group of Owyhee people, over the dates of June 20 to June 23, 1982, went to Washington, D.C., where we discussed the issue with various congressional delegations.

While there, we made our case for making amendments to Public Law 92-195 relating to the protection of wild, free-roaming horses and burros. There was some confusion as to why the needed changes in the Act were not forthcoming; however, all admitted the original act needed to be changed.

We met with Dave Tidwell, special assistant to BLM Director Bob Burford, and he explained the status of BLM in management of horses and burros. He told us what the others had already explained, and that was, gathering horses in the numbers needed is tied up in court.

He said there was no problem in gathering them, but a moratorium was in effect on disposing of healthy horses by slaughter. If the horses are not adopted, they must be held at great expense, so only the number that can be given away is gathered.

A prime example of holding excess horses can be found in Oregon's Burns District, where 150 horses gathered last year are still being held. Dave said the Bureau has been criticized for charging the $200 adoption fee, but it is only an attempt to collect part of the gathering costs. He said it averaged, Bureauwide, $508 to process the horses and an additional $135 to gather them; so it appears to me that each adopted animal is subsidized to the tune of $443.

Dave further said that it was part of the McClure-Young legislation to allow unadoptable animals to be disposed of and title passed immediately to the purchaser, which would end the nightmare of watching over them for a year, when current title is passed.

We cannot afford to wait any longer to amend the act because the problem is getting rapidly worse. BLM estimated in 1971 at passage of the act that there were 17,000 horses and burros on the public lands. Today we hear reports tallying them from 57,000 to 80,000 head.

If the excess horses are to be gathered at this time, it's going to cost many millions of dollars to take care of it right now; and also, I'd like to make a note that if a person doesn't have $200 to pay the adoption fee for an animal, he sure as hell doesn't have the money to buy the feed to take care of it.

In conclusion, I want to make the point that these are trying times, with social and education programs facing severe cutbacks and/or abandonment. Under such conditions, it is even more important that management of wild horses and burros become economically sound. Also, that revenue from the sale and adoption of these animals be used to reimburse the managing agencies for costs related to removal, sale, maintenance, habitat improvement, and studies for the general welfare of horses and burros.

The CHAIRMAN. Thank you very much for your statement.

Mr. Mendieta.

## STATEMENT OF LES MENDIETA, NEVADA FIRST CORP.

Mr. MENDIETA. Senator, Les Mendieta, Jordan Valley, Oreg.

I ranch down on the Owyhee Desert in a horse area known as Sand Springs; and I want to speak on our behalf, and also the Nevada First Corp. out of Winnemucca, Nev. They have a very large horse problem, much larger than ours.

I'll give some of the figures here. In 1971 when the bill 92–195 went into effect, we had 56 horses and 11 colts down there. That was a count made and documented by the Bureau of Land Management and also by a private concern, one of the users; and the horses prior to that, he counted them. They were in conjunction on the figures, almost to the exact head.

Down in Nevada on the Owyhee Desert down there I was working for that corporation at that time with the Nevada Garvey Foundation at that time, and we gathered those horses and got them down to—this was in 1968 and we felt that there was somewhere between 100 and 150 head on the whole area.

Now they are confronted with the BLM figures, and they figure there is an excess of 1,800 there today. If you sum that up, in the Sand Springs area—last year in August they counted them—there was over 700, and the horses were in bad condition for water. Feed wassn't too much of a problem, but the BLM got a lot of cooperation out of them and the local users, and we took 350 head out and figured we left 300 to 350 on there at that time, and these horses—I don't have the figures for the Nevada First Corp.—but in the Sand Springs area there was 236 head of horses taken out in 1977 and 350 in 1981. And if you take that over a 10-year period, that's an increase of over 1,000 percent, or the horses over a 10-year period have multiplied at a rate of 100 percent a year on a 10-year increment; and when we went to the BLM, their problem is, which it always is, they don't have the money, they said; and because the horses were in such bad shape for water, they got some financing from Washington and we did get the horses around to that point; and down in Nevada they have a plan worked out with the BLM and also with the wild horse people——

Some of them in my seat have endorsed this, are here today and spoke. They come up with a plan. They call it the CRMP. It's a cooperated range management plan; and talking to the superintendent there yesterday, he told me that their plan to date isn't worth any more than the paper it's written on.

Although they have the plan to cut these horses back to the 1971 level, BLM has no way of disposing of the horses; and they can't get them out of there with the law as it is. They have to dispose of those horses some way.

It seems like, from the way—listening to the humane groups and the wild horse people, they seem to think it's the inhumane slaughter of these horses. I wonder when these horses are put up for adoption and go through a year's moratorium in getting private ownership to them, then it's legal to slaughter the horses, but it isn't legal to slaughter them until he goes through one year's moratorium there, or whatever you want to phrase it, before he can become eligible for slaughter.

I can't say whether there is a lot of difference, whether you slaughter him at the time that the horse is gathered or whether you have to hold him for a year in the pen.

I'd just like to talk to some of them about it and see what their attitudes are.

The CHAIRMAN. Could I ask one question, if I might? I hate to interrupt, but I want to make sure.

My understanding is, 1 year is—a person taking the horse must hold them for 1 year before title passes, but BLM is not required to hold them for a year before they can dispose of them.

Mr. MENDIETA. That's right. I'm talking about the horses that have been adopted. Once they have been adopted and held for a year you can get a title to him; and the humane groups, I don't hear any of them objecting to them being killed after this 1 year.

Senator SYMMS Is there anything in the law that keep the BLM, if there's nobody to be an adoptee or whatever you call it, to take the horse to the slaughterhouse now?

Mr. MENDIETA. The 1 year——

The CHAIRMAN. They can't sell them. They must dispose of them themselves under the current law.

We'll give you another minute. We interrupted you.

Mr. MENDIETA. Well, there's another part of this thing in the law, subchapter 195, in paragraph 4. This is, if I interpret this right, it's a rather vicious clause. If I interpret that right, anyone who happened to have wild horses on his range without being about to control them has already met his doom as far as operating in the business of domestic livestock.

I think that's—it's a very critical clause in there, and I don't hear much mention brought to it.

The CHAIRMAN. Thank you very much.

Mr. Skinner?

## STATEMENT OF BOB SKINNER, OREGON CATTLEMEN'S ASSOCIATION

Mr. SKINNER. Senator Symms, my name is Bob Skinner. I am a rancher from Jordan Valley, and I represent the Oregon Cattlemen's Association, being public lands committee chairman for that group. Our association members have had serious reservations regarding the wild horse and burro program since its inception. On numerous occasions we have testified at hearings and have written many letters to protest legislative and administrative actions which have bungled the management of these animals on the public ranges. At our September 24, 1981, meeting, we passed a resolution to make provision for the sale of unadoptable animals with the proceeds to be returned to the horse management fund.

We now have an opportunity in Senate bill 2183 to take a corrective step toward sane management procedures which would aid in the alleviation of a serious resource problem.

The wild horse and burro management program has been plagued with many problems from the very beginning. Aside from the fact that it has always been a very impractical and emotional approach to a serious problem, there has never been adequate funding provided to control and manage horse numbers. Asinine rules, regulations, and eastern court decisions, coupled with provisions of the law, have made it a tremendously expensive and nearly impossible program to administer. Injunctions have been filed indiscriminately and, in many cases, without just cause.

We have now reached a point where the growing numbers of wild horses and burros must be controlled to prevent further damage to our public as well as private ranges, a case in point being the Barren Valley and Sheepheads units of the Vale, Oreg., BLM District. During the summer of 1981, excessive numbers and the concentration of horses in the Sand Springs area resulted not only in a serious erosion problem but also unnecessary animal suffering and loss because of lack of water.

After gathering the horses, retention in any closely quartered facility prior to sale, adoption, or disposal for any extended period of time only compounds the disease and injury problem. This reduces the acceptability rate for adoption or sale. For that reason I would suggest immediate sale of those animals which are not reasonable candidates for adoption.

Dr. Leon Pielstick, resident veterinarian at the Burns, Oreg., wild horse corrals, was quoted by Senator Bob Packwood in testimony before the Senate Public Lands and Resources Subcommittee, May 23, 1977. Dr. Pielstick wrote in part:

> I believe the current Wild Horse program to be one of the most cruel and inhumane acts to be imposed on any animal, and also as a taxpayer I object to the tremendous waste of money.

As users of a natural renewable resource, we support the multiple-use concept, which would include a proper number of wild horses as a national heritage, managed in a manner consistent with good range management plans and guidelines. We know that funding for a continuing management program is critical, and is especially so during times of economic hardship. The sale of unadoptables would certainly help to defray costs, which, at present, are borne by the U.S. taxpayer.

Some provision should also be made to require these groups or individuals wishing to halt management or control operations by filing injunctions, to show just cause.

We appreciate the opportunity to appear here before you regarding this very serious problem.

Thank you.

The CHAIRMAN. Thank you very much for your testimony.

I skipped Mr. Mackenzie. I didn't mean to do that.

## STATEMENT OF DUNCAN MACKENZIE, MAHOGANY MOUNTAIN UNIT

Mr. MACKENZIE. Mr. McClure and Mr. Symms, my name is Duncan Mackenzie, speaking on behalf of the Mahogany Mountain unit. We support the Senate bill 2183. The Bureau of Land Management could and would maintain the wild horse population if their hands weren't tied.

I worked for the BLM on the gathering and adopt-a-horse program. We had great success adopting the colts and yearlings to the public; however, the older horses were undesirable and sent to Burns, Oreg. Two-thirds of the money appropriated by Congress for the State of Oregon to maintain the wild horse population is spent caring for these unadoptable horses. We feel the BLM should be allowed to sell these horses and use the proceeds to maintain the wild horse herd at the 1971 level.

And the damage that's done by the overpopulation of the wild horse herd affects the multiple use—your soils, wildlife, recreation, and livestock grazing.

On the adopt-a-horse program, it's—you know. They said it was inhumane to sell the horses through auctions and stuff like that. But if you ever saw the people who took the horses and abused them, you know, took them home and that fuel costs went up and so the horses, they never got fed that week, you know. So if you could see the horses dying from dehydration and winter kill, you'd support the bill.

Thank you.

The CHAIRMAN. Thank you very much, Mr. Mackenzie.

Mr. Lowry.

## STATEMENT OF BILL LOWRY, RANCHER, OWYHEE COUNTY

Mr. LOWRY. Thank you.

Senator McClure, Senator Symms, my name is Bill Lowry. I am a rancher from Owyhee County. I am here to support the McClure amendment, the bill to make certain amendments to Public Law 92-195; and I'm here representing myself.

I'm going to stray just a bit from the prepared testimony that I came here to deliver. It would be sort of repetitious to some of the testimony.

The CHAIRMAN. We'll place that prepared statement in the record in full. You may make your statement independent of that.

Mr. LOWRY. Thank you, sir.

The CHAIRMAN. You bet.

Mr. LOWRY. But I will stray just a bit from what my perpared statement was.

Now, you may be wondering what my credentials are, why I am qualified to speak on the subject of wild horses. Well, I'm speaking from experience. This is one subject that I do feel that I have a bit of knowledge on. I was raised with these fuzztails, which is more commonly referred to as mustangs, but which to me is a misnomer because Webster's Dictionary definition of a mustang is 'a small, wild horse from the Southwest Plains."

Now, these horses that we are dealing with today is just the inbred progency of our domestic horses that have been just left unattended and neglected for many, many years. There's no animal that will degenerate any faster than a horse will when he's put out on his own to inbreed and just take care of his self.

Not long ago I read an article from a subscriber to the Western Livestock Journal. This man was an easterner, and his message was in this paper, to turn these Federal lands all over to these wild and free-roaming horses; and if there was anything left over, why, then the cattle could have it. But I suppose that is really my reason for being here, to support this bill which is to manage these wild horses.

I'd just like to tell you from my own experience just what you can expect and what I have seen from these horses on an overly populated range. I found dead horses in the spring of the year following the hard winter that had eaten each other's manes and tails off. I've also seen them come through a pretty darn tough winter, only to die in the spring after the grass had started. They were just too poor and weak to handle that tender, washy grass.

And how many of you have ever seen a locoed horse? Well, I have. You take on this high desert country in central Oregon, where I was born and raised. There's a lot of locoweed; and normally an animal won't eat locoweed, but as a last resort a horse will. And by golly, they will be become as addicted to locoweed as a hippy will to marihuana. I guess it just affects their brain because when they get to that certain point they just turn in a tight circle until they finally fall over. And ladies and gentlemen, it's not a pretty sight by any means.

There's one more reason for controlling the growth of these horse herds, and that is for the horses' own good, either health or disease, whatever you want to call it. When you have a large concentration of animals, or people for that matter, is when an epidemic of some sort of disease will break out. And when there was hundreds of horses on the range—and I mean hundreds in central Oregon where I was raised. At one time it was considered—referred to as the horse capital of the world. The old horse king of the world was Bill Brown, and that was his headquarters.

And I've seen epidemics of distemper break out in the fall of the year; and for you people who are not familiar with it, that horse was in tough shape. His glands will swell up. His throat will get sore. He can hardly eat or drink. You can hear a distempered horse try to drink water for a city block away; and a lot of these horses would die in the fall of the year even before they went into a winter. And you can bet your boots that any mare that died early in the winter or the fall of the year, her colt is going to die before spring. And that colt, he's going to die a horrible death, too.

Now, I'm not advocating to completely eliminate these horses off of the range, but they do need to be managed at a level that is consistent with all other uses; and this amendment, Public Law 92-195, would give the agencies that are responsible for managing these horses more latitude to work with and to keep those numbers down to a level where these horses will remain healthy.

So let's hope this bill will pass.

And last, but not least, in my opinion, after each roundup there has to be a few horses turned back out to maintain that required number; but I'm sure in many instances, instead of—I'm sure in many instances the horses to go back out are selected, but I don't think it should be that way. I think it should be a gate cut because in a selection system it puts that agency in the position of being in the horse breeding business, and I do not think the Government should be in the horse breeding business. I think they went out of that business when they quit sponsoring the remount studs.

I appreciate this opportunity to be here. You've asked for our help; and gentlemen, I hope this will be helpful.

The CHAIRMAN. Thank you very much. It is, indeed.

[The prepared statement of Mr. Lowry follows:]

Testimony Delivered in Boise, Ida., August 7, 1982 at Wild Horse Hearing
Sponsored by Senator James Mc'Clure
By, Bill Lowry, Box 595, Jordan Valley, Ore. (Owyhee County)

My name is Bill Lowry, rancher in Owyhee County. I am here to support the McClure Ammendment, the Bill to make certain amendments to Public Law 92-195.

You may be wondering what my credentials are: why I am qualified to speak on the subject of wild horses.

I feel this is one subject that I do have a bit of knowledge of. I was raised with these Fuzztails, more commonly referred to as Mustangs, which to me is a misnomer. Websters Dictionary's definition of a Mustang is " a small wild horse of the South West Plains." The horse we are dealing with today is the inbred progeny of our domestic horse after many years of neglect. There is no animal that I know of that will degenerate if allowed to run at large and unattended as fast as a horse will.

Not long ago I read an article by a subscriber from one of the Eastern States to the'Western Livestock Reporter', a livestock paper printed in Billings, Montana. His message was,(and I am sure this idea is shared by more than one person), to give all these Federal Range Lands to the Free Roaming Horses and then if there was anything left over the cattle could have it.

Now, I suppose that is the over-riding reason why I believe this Amendment should become part of Public Law 92-195.

Let me tell you what I have seen happen on ranges that were overpopulated with horses. I have found dead horses in the Spring following a hard Winter that had eaten each others mane and tails before dying; I have seen horses come through a tough winter only to die in the spring just as the grass was starting, they were to pour and weak to handle the tender washy grass. Some of them died a horrible death too, you could tell by the struggling they had done.

How many of you have ever seen a locoed horse? On the high desert in Oregon where I was raised there is a lot of Loco Weed.. Normally an animal won't graze on it, but on an over-grazed range a horse will and they will become as addicted to it as a hippy to marijuana. I have seen them starve to death just searching for it. It affects the brain I guess and they will just turn in a real tight circle until they fall over.

One more reason for controlling the growth of these horse herds for the horses own good is health or disease, which ever way you want to look at it. When you have a large concentration of animals, or people for that matter, is when diseases will become epedemic. I can remember when there were hundreds of horses on the range, some years an epidemic of distemper would break out in the fall, their throat and glands would become so sore they could hardly eat or drink, in fact you can hear a distempered horse try to swallow for a city block away. Some would die before winter set in and any mare that died in the fall or early winter, her baby colt was certain to die before spring.

I am not advocating these horses be completely eliminated but they do need to be mamaged at a level consistant with all other uses.

This amendment to Public Law 92-195 would give the agency responsible for administering it, be it B.L.M., Forest Service, or whatever more latitude to work with.

So, for the time being lets hope this Bill will be passed and probably at a later date as needs and demands change it can be reviewed and updated again.

Last but by no means least , in my opinion, after each roundup there has to be a few horses turned back out to maintain the required number. Instead of selecting the animals to go back out it should be a gate cut, otherwise it puts that agency in the horse breeding business and I don't think they should be. I thought the Government went out of the horse breeding business when they quit sponsoring the Remount Studs.

I appreciate the opportunity to testify at this hearing.

Respectfully Submitted,
Bill Lowry
Bill Lowry

Senator SYMMS. If I could just ask the question, has there ever been any example of feeding these horses like over in Jackson Hole, Wyo.? They have to feed the elk because they compressed the grazed ground for the winter range for the elk, so, occasionally, but not every year, they feed them some hay.

How about the horses? Has that ever happened?

Mr. LOWRY. Not to my knowledge, Senator Symms, that they have ever fed them; but when those horses get in that condition, and they would be—you couldn't start in early in the fall, of airdropping hay to those horses because that would be tremendously expensive; but when those horses get into the condition when you would have to airdrop hay to them, it would be a grave mistake. You would kill that horse just as surely as if you shot him between the eyes with a 30–30.

I'm speaking from experience, again.

Senator SYMMS. What's the answer?

Mr. LOWRY. What we would do with those horses, get them in the spring of the year, in March. We would turn—those horses, when they get in that condition, they are drawed up. Their intestines are so small you couldn't poke hardly a lead pencil through them. Any more than just a little bit of hay will kill that horse.

I've did this foolishly, but what we used to do with those few horses, we would turn them in the barn lot behind the barn where we were pitching out the manure. There'd be a little bit of hay and straw, and let them nibble on that for 2 or 3 weeks.

But to feed those horses would be a mistake. You would kill them for sure.

The CHAIRMAN. Mr. Collins.

## STATEMENT OF WENDELL COLLINS, IDAHO CATTLEMEN'S ASSOCIATION

Mr. COLLINS. Senator McClure and Senator Symms, in view of the many aspects of the evidence presented here today, we in the Idaho Cattlemen's Association have chosen to submit to your office at a later date a more comprehensive paper from notes of this hearing.

It is most certainly commendable to all who have made this hearing possible, and we thank you for that.

I would like to support a little bit of what Bill had to say here. Up until right now this hearing has created the image of a wild horse being a palomino stallion standing on a rampart, mane and tail flowing in the wind.

I have personally helped remove from entrapments and transported to Burns, Oreg., quite a few of these horses. Many of these were longheaded, inbred, scarred up, 7- or 8-year-old stud horses that are without any value at all to anyone; and there are still 150 of these horses in the Burns BLM camp.

And I think that it would behoove the gentleman from southern Nevada to go over and maybe make a trial program of those 150 horses and see if he can give those horses away, because they have no value except maybe to send the meat to France or give the poor, the destitute, some kind of food. I would think that that would be, surely, commendable from all of us, to think a little bit about the starving people today as a source of doing something with these undesirable horses as far as the horse is concerned.

Thank you.

The CHAIRMAN. Thank you very much. I appreciate your testimony.

You gentlemen have heard the testimony of some other witnesses who have indicated that there might be more horses removed and sold under the adopt-a-horse program if the fee were lowered from the $200.

How do you feel about that?

Mr. HANLEY. I believe that, very strongly, if you don't have $200 to adopt it, you don't have $200 to care for it.

The CHAIRMAN. Thank you, Mr. Hanley.

Bill.

Mr. LOWRY. Any horse program should stand on its own two feet.

Mr. MACKENZIE. I worked for the adopt-a-horse program when it was free; and the people who came in and got the horses couldn't afford the $200, but we had to go back and get the horses because they weren't being fed. They couldn't afford the hay.

The CHAIRMAN. Thank you very much.

Mr. SKINNER. Even with the $200 adoption fee there's something close to a $200 subsidy from that person who received the horse from the State.

Mr. COLLINS. I think you'll hear this out. They tell me that when these people come to pick these horses up, they come with everything conceivable to haul them home in.

These are wild horses. The people were being injured, and the horses were being injured. I think that's an aspect that they should address themselves to, is the humane part of getting this horse even away from the corrals where they're being adopted.

The CHAIRMAN. Thank you, gentlemen, very much. We'll recess for 5 minutes.

[Whereupon a recess was taken.]

The CHAIRMAN. Mr. Jim Clapp from the Wild Horse and Burro Sanctuary; The American Horse Council, Mr. Richard Stanger; the Idaho Horse Council, Mr. Manuel Hernandez.

The Society for Range Management, Brad Little, has a statement for the record, which will appear in the appendix.

Mr. Jim Clapp.

## STATEMENT OF JIM CLAPP, WILD HORSE AND BURRO SANCTUARY

Mr. CLAPP. Senator McClure, Senator Symms, thank you for this opportunity to speak in support of Senate bill 2183.

I am Jim Clapp from the Wild Horse and Burro Sanctuary in California.

We have approximately 30 groups in the State to support this legislation. They all agree it is necessary if proper management is to be achieved both humanely and cost effectively.

I have worked with wild horses, both gathering and caring for them, for many years and feel that I can speak with more knowledge on the subject than any other humane or horse protection group.

I don't like to see the horses destroyed, either; and that's why we have this sanctuary in California.

We have well over 200 horses there, but such a concept will not save all the wild horses.

Protection groups today say that adoption at a lower fee would save all the horses. They are naive. Possibly as many as half the wild horses today that are adopted out end up in the slaughterhouses at the end of the 1-year period.

The Department of Agriculture informs me that there is 21 slaughter plants for horses in the United States. Many will not tell me how many wild horses they process, but those that are willing to talk say that they process upward to 150 a week. These are wild horses with titles.

That, we feel, is not an abuse of wild horses. It's an abuse of the wild horse program.

If slaughter plants are inhumane, all of them should be stopped for all wild animals, not just horses.

As to the accusation that the abuses that occurred prior to 1971 will reoccur, that is absurd. They occurred because of the methods of roundup and the people rounding the horses up. Protection groups have witnessed enough government groups to know they they are not inhumane. Otherwise they would have been stopped.

Many say that they want the National Academy of Sciences to finish their report before any decisions are made. That would take another 10 years and $6 million to do it, and I'd think we can't wait that long.

I think I'd just like to make a couple of points that had been raised here this morning from some of the groups.

In the fiscal year of 1980, over 300,000 horses were slaughtered. Now, those were not all wild horses, but if we've got over 300,000 horses being slaughtered and sent overseas, then I feel that laws should be enacted to protect those horses that were in service to us, backyard horses, the domestic horses that we raised up; and if they're going to slaughter at that rate and we have a few wild horses going into slaughter, then I think we should have—I think they should all be treated equally.

And our collective membership of the groups that are supporting this amendment is well into the millions of people; and we've had thousands of replies come in now, and we would say that 99 percent of all people that have written us have indicated they are in support of this bill.

Thank you.

The CHAIRMAN. Thank you very much, Mr. Clapp.

Mr. Stanger.

Mr. STANGER. Senator McClure and Senator Symms, I would like to make a correction here. I am listed here as being a representative of the American Horse Council, chairman of the land use committee; and the testimony I give today, I would like it to be as testimony of myself, rather than——

The CHAIRMAN. The record will so reflect.

## STATEMENT OF RICHARD STANGER, IDAHO FALLS, IDAHO

Mr. STANGER. My name is Richard F. Stanger. I'm a U.S. citizen. I'm a resident of Idaho Falls, Idaho. I have been engaged in ranching and wheat farming and deep-well irrigation.

I have been one of the very few people that have had the opportunity in taking part in all phasess of this, from the gathering to the breaking to the owning to the using. And through the years I've had the opportunity to observe these horses in the wild. I have also admired them and found them to be real serviceable. In this part of the adoption plan I believe that probably 60 percent of these horses are trainable, or at least that is about the average that I've found that were usable and easily trained and real serviceable.

The horses that I owned came from the Blue Dome area off of the Blackfoot Reservation, which in the past they did support a lot of wild horses; and from an area back toward Alpine—what they call Fall Creek basin or drainage area—I think now that probably the wild horses are gone from two of the places; and the Blue Dome area still maintains some of them.

I found these horses real dependable. They were easily trained with the exception of 2 out of the 5.

Fact is, this has been many years ago, but we kept them on the ranch until they died.

But I have also witnessed, as several people has addressed today, the starvation of horses in this high, heavy snow country. Three bands stand out foremost in my mind. The one band we helped move down into lower country; and on this, because of the exertion and the strain and the excitement, there was two of those died on the way down. And as Mr. Lowry already stated, these horses were put on the quite lush feed. It was dry winter feed, but most of the snow was gone. And out of that group there was four more that died from overeating. So, I can attest to that.

Also, in the other group that we witnessed, they were in an area of heavy timber, probably pinned in there by the deep snow, and they had eaten the bark off quaking asp trees high as they could reach; and out of 18 head of horses, there was 1 survivor.

In another place higher up on ridges they had eaten the manes and the tails off of each other and sagebrush, to the—I would imagine 1 inch, 1½ inches. They grubbed everything that was possible; and out of that group there was three. And after green grass came, one survived it.

One of the most concerns, I suppose, to any ranchman or any horseman is the fact that they hate to see any animal or, for that matter, I myself, hate to see human beings starve, which sometimes is probably at the lowest point of the list; but I cannot see why the horse program cannot be supervised and managed and these excess horses sold for profit. I hate to see waste, and I'd lots rather see them—it would be a lot more humane to sell these horses than it would be to just destroy them.

The CHAIRMAN. Thank you very much, Mr. Stanger. I appreciate your testimony.

Mr. Hernandez.

## STATEMENT OF MANUEL HERNANDEZ, IDAHO HORSE COUNCIL

Mr. HERNANDEZ. Senator McClure and Senator Symms, my name is Manuel Hernandez. I am from Fort Hall, Idaho, the chairman of the wild horse committee of the Idaho Horse Council.

Although our testimony is repetitious, but has been said, we want to thank you for this opportunity to express our views as a council.

On December 15, 1971, the Senate and House Representatives of the United States of America in Congress assembled and enacted Public Law 92–195 to require the protection, management, and control of wild, free-roaming horses and burros on public lands.

At the time of passage of Public Law 92–195 the major thrust was that of protecting the approximately 17,000 to 25,000 wild horses and burros on public lands. The law served that purpose; and while population numbers fluxuate by the year, in 1981 they reached about 70,000. An estimated 56,000 head is now on Bureau of Land Management and U.S. forest lands, even after the adoption program was initiated in 1976, which has resulted in placement of approximately 37,000 wild horses and burros.

Besides adopting wild horses and burros, the only other methods of reduction allowed by public, existing, law to reduce herd numbers is to shoot or inject animals, after which their carcasses are usually dumped into a pit. This destruction procedure for reducing excess wild horses and burros on public lands is not acceptable to the membership of the Idaho Horse Council.

Essentially, the Idaho Horse Council is in agreement for more management authority which is consistent with the treatment of all other resource responsibilities coming under the multiple-use planning systems of both the Bureau of Land Management and the U.S. Forest Service or a sales authority.

Since passage of the Wild Horse and Burro Act, BLM has spent more than $27 million on this wild horse and burro management program. Sirty-six percent of BLM budget each year has gone for the management of wild horses and burros, most going to subsidize the adopt-a-horse program. Expenditures have increased from $275,000 a year in the early 1970's to $6.7 million in fiscal 1981; $4.4 million subsidizing the adopt-a-horse program in 1981. The Idaho Horse Council considers this an inappropriate use of Federal funds.

With our economy in the state that it is in and with Members of Congress, along with our President, cutting all segments in budget cuts, including the much-needed entitlement programs affecting social security, unemployment compensation, veterans' benefits, medicare, Federal retirees, to name a few. It would appear we could better feed our elderly and hungry children than to have and support these overpopulated herds of wild horses and burros.

The wild horse and burro management emphasis up to this point in time has been the reduction of animals where seriously deteriorated range conditions exist, to develop and implement multiple land-use goals where wild horses and burros are located, including use for ranchers, stockmen and all segments of wildlife.

Based on studies accepted by the courts, horses consume 1.25 times as much forage as a cow in AUM's. One AUM is defined as 800 pounds of forage per month, the amount necessary to sustain a 900-pound cow with calf for 1 month.

When a determination is made by the BLM or U.S. Forest Service that overpopulation of wild horses and burros exists, the Idaho Horse Council is in agreement that excess animals must be removed in the most possible humane manner.

The CHAIRMAN. Thank you very much for your statement.

Mr. Clapp, how long have you been involved with the Wild Horse and Burro Sanctuary?

Mr. CLAPP. We started in 1977, Senator, but it was a result of—I guess you could say that we initiated the Forest Service roundups and the adoption programs in northern California when we removed about 300 head of wild horses and were not able to place those horses out for adoption. And under the present law, the Forest Service at that time felt that the only route available was to destroy the horses that they couldn't adopt out. And so rather than see those horses destroyed, myself and a rancher took the horses, and that is how the sanctuary started.

The CHAIRMAN. Do you keep the horses indefinitely?

Mr. CLAPP. We have them on a sponsorship program; and what that means is that people throughout the United States are concerned with the welfare of the horses, send contributions to help feed the horses.

By no standard or any means is it a paid proposition. We have a little over 200 horses, and we probably have 100 sponsored. So we've been feeding the horses for a number of years out of our own pockets.

But the idea was that until we could come up with another alternative, rather than just shooting the horses and leaving them lay, it didn't make sense to us. And we felt that by passing this amendment, it would allow, No. 1, the adoption fees, maybe, to be cheapened up a little. No. 2, to have that animal treated as a natural resource and have that animal on the range, have it safe once in his life. He is the only freeloader out there. Every animal pays its way through fees or hunting fees or whatever—all animals except the horse. He is the only animal that sits out there year-round on the public domain and doesn't pay his way.

By having these funds from the excess horses go back into the program where the area—where the horse was caught, that would give the horse a say out there. He would be a paying animal, and they'd be able to have a voice.

The CHAIRMAN. You've heard a number of people discussing the issue of what the fee for the adopt-a-horse program should be, and you've indicated that you think maybe the passage of this would allow—or in conjunction with the passage of this amendment would allow—a reduction in that fee. What do you think the fee ought to be?

Mr. CLAPP. Well, Senator, I believe if the fee was around $100, $150 we would be able to get out most of the good horses.

The problem that I see right now is, we do have a lot of unadoptable horses, horses that aren't able to readjust to the society out there. And what's happening is that the bottom line is that the people, once they get the horse, have all the good intentions in the world. But they find out it's not exactly as they thought it would be, so they hold the horse for a year, then it goes to sale. And, you know, the indications that we have right now is that maybe as high as 60 percent of the horses that are adopted out wind up in the sales or slaughterhouses.

So our feeling is that rather than the adoptee making a profit off the animal, that money should go back into the BLM's budget to manage these horses.

Senator SYMMS. Are you saying that what the BLM should be allowed to do is take the horse directly to the slaughterhouse, get the money back to help the rest of the horses?

Mr. CLAPP. I think that if we set up a thing to where the good horses were adopted out, held on a 30- or 45-day period, those animals that were not adoptable go through a public sale and then go into—in other words, you are giving the horse another shot.

A lot of people oppose that idea, but we are giving them——

Senator SYMMS. The slaughterhouse could buy them if nobody else does?

Mr. CLAPP. Right. We are putting him on sale where everybody can have another shot at him and allow the proceeds to go back.

The CHAIRMAN. I appreciate your testimony. I would add one thing. I think you would agree that the person who would adopt the horse then sells it for slaughter hasn't made a profit?

Mr. CLAPP. I disagree.

The CHAIRMAN. You think they'd make a profit?

Mr. CLAPP. Yes, basically because right now, the way the horse market is, it's 42 to 45 cents a pound. Now, if they pay the $200 fee today, they won't make a profit off the horse, but in the past they have been able to get the horse for $20 or $30, sometimes free under the Forest Service adoption programs.

What really happens there, Senator, is that you have one individual that will take 4 horses, and he will sign 10 more people up to take 4 more horses, and we have had incidents in Texas, for example, where one individual winds up with 150 horses.

Well, when those horses are put out and title is granted at the end of the year, he can make a considerable profit.

Senator SYMMS. Is that horse going to eat in a month his weight in hay or something like that?

Mr. CLAPP. Basically, the idea would be, if you have had to take the horse and put him out to pasture, like if you had one animal, it's not a profitable situation.

The CHAIRMAN. That's what I was getting at. If you put a year's feed into that horse, you haven't made much money.

Mr. CLAPP. Absolutely, sir. But the idea is, people are unaware of that when they take the animal.

The CHAIRMAN. Thank you very much.

Mr. Hernandez.

Mr. HERNANDEZ. Senator, the thought has come to my mind from the different panels, they believe wrong. The numbers has been questionable as to the amount of wild horses and everything, but it's my understanding that these numbers are for adult horses, and that's for a horse that is 2 years of age and over; so we are having a lot more horses than we are bringing out in panel discussions so far.

The CHAIRMAN. Thank you very much.

Senator SYMMS. I wanted to ask you one question about this selection process. Most of you seem to have a lot of experience with horses, but some of the ranchers have talked about how some of the horses are degenerating; but this adoption program really helps to degenerate the horses if they are turned loose, then. That's correct, isn't it?

Mr. STANGER. Senator McClure touched on it. For years, ever since I can remember, when they gathered these horses, the selected horses were taken. You've been breeding down for almost 100 years.

Senator SYMMS. Just to comment further, Mr. Chairman, I think Mr. Hernandez touched on a very important point, that somewhere along the line our priorities have to be straightened out. I mean, if we are in fact going to give higher classification to wild horses than we are senior citizens, for example, there is something a little bit out of kilter; and I appreciate that part of your testimony. It's simply not practical to go out here and have thousands and thousands of wild horses.

Oh, have some of those special interests that appreciate the esthetics of a few wild horses out there is one thing, but to have thousands is another thing; and there has to be some commonsense. I can't believe our grandfathers or great-grandfathers would have gone to all this trouble. They would have taken care of the problem without calling up the BLM office.

But with the competing interests and legal ramifications, I know it's impossible for ranchers to do that without ending up in court. But it seems like if given a little bit of leeway, people would take care of these problems without any trouble at all, particularly if they are worth 40 cents a pound.

The CHAIRMAN. Thank you, gentlemen. I appreciate your testimony.

Earlier Mr. Bill Ross from the National Cattlemen's Association was called in connection with an earlier panel. Has Mr. Ross arrived?

Mr. ROSS. Yes; I'm here, sir.

The CHAIRMAN. Would you care to come forward and make your statements?

Mr. ROSS. Thank you; and I apologize for my being tardy. That seems to be a——

The CHAIRMAN. You had a slow horse?

## STATEMENT OF BILL ROSS, NATIONAL CATTLEMEN'S ASSOCIATION

Mr. ROSS. Yeah.

I am Bill Ross, a cattle rancher from Jordan Valley, Oreg., and a regional vice president of the National Cattlemen's Association.

I am very involved at the present time in this wild horse issue. There have been a lot of problems created by past legislation and the existing rules and policies under which these agencies must regulate these horses.

And I speak as an observer who has spent a lifetime in a wild horse area. Actually, there are no wild horses on my own ranges that I use, but within a few miles of my place there are several hundreds of horses.

These horses have been in these various units for a considerable number of years.

But many people throughout the country think of the mustang as a direct descendant of the horses released many centuries ago by Spanish explorers many years ago, and that if they are gathered or eliminated it breaks that breeding line, and we've lost something.

Now, nothing could be further from the truth in our part of the country. I've seen several wild horse herds formed through the years during my lifetime. One area in particular, the Jackies Butte unit, the Barren Valley unit of the Vale, Oreg., BLM District, I've seen those horses cleaned up there probably three times during my life.

In the early forties, I think, they took out practically all the horses; a few were left. They built up again, added to by domestic horses; and finally they were cleaned up again in the early fifties or in the later fifties, mid- to late-fifties.

Another man who is in this room and I caught a 2-year-old out there about 1961. He was one of the last ones in the area; but domestic horses get loose and aren't gathered for a year or two, and then you have another wild bunch.

It isn't tough to have a bunch of wild horses. All you have to do is let them go for a year or two, particularly some wild stock, and they become mustangs very fast.

I don't think that there are any horses in any of those three areas whose ancestry couldn't be traced back to a domestic horse in the past 30 years.

First of all, wild horse population levels must be reduced to a realistic figure. In 1971 the horses were inventoried, and I think that would be a good place to start, to get back to that population level. They've multiplied tremendously since that time.

For instance, in the Barren Valley unit, Sand Springs area of the Barren Valley unit, in 1971 there were 56 adult horses and 11 foals by the BLM inventory. Last year they took out 350 horses and left more than 300, so there is a tremendous increase in population.

Last year was a dry year. A lot of the water dried up in that area, and those horses did a tremendous amount of damage to the natural resources there.

Anyone who is interested could fly over that area west of Crooked Creek, and between there and Highway 78 can see the damage that was done, or a part of it. There's a virtual spiderweb of horse trails over that part of the country. It's going to be a long time before that's replaced.

But to successfully carry out a realistic wild horse program, the Federal agencies must be able to pass title. They've got to be able to dispose of these horses; and there again we get into a situation where other people get almost hysterical at the thought of horses going for slaughter. Well, domestic horses go for slaughter and there's a tremendous market, as evidenced by the high price of horses now for horsemeat in various parts of the world. It's certainly no more criminal to eat a wild horse than a domestic horse. As far as I know, they might be just as tasty, or more so. We have, too, a situation where more horses are consumed abroad, and it might help a little on our balance-of-payments problem with some of the foreign powers. Maybe we can make the Japanese take a horse for every Toyota, or something like that.

But that is an absolute must, and I think that your bill deals with it very well.

[The prepared statement of Mr. Ross follows:]

### STATEMENT OF BILL ROSS, NATIONAL CATTLEMEN'S ASSOCIATION

I speak as an observer who has spent a lifetime in a wild horse area. There are no wild horses on my personal allotments but I live within a short distance of three large wild horse areas: the Mahogany Unit, the Jackies Butte Unit, and the Barren Valley Unit of the Vale, Oregon BLM District. The livestock operators in these units are all friends or acquaintances of mine and I have had considerable insight into the wild horse situation during the past 45 years. As an active member of the Board of Directors and Executive Committee of the National Cattlemen's Association I have been increasingly involved in recent years, in efforts by both public land users and BLM personnel to achieve a practical, workable, wild horse policy.

Many people throughout the Country think of the Mustang as a direct descendant of the horses released many centuries ago by Spanish explorers. Nothing could be farther from accurate. I have seen several wild horse herds started within the past decades. In the areas I've mentioned, periodically, back through the years, the wild horses were cleaned up. Then a few head of domestic horses would not be gathered for several years and there would soon be a wild bunch again. I doubt that there's a horse in any of the three units that could not be traced back to a domestic source within the past 30 years.

But, we recognize that a limited number of wild, free roaming horses are desirable. They are a colorful part of our western heritage. But as such, they must be controlled with a realistic policy that prevents them from upsetting long sought range rehabilitation programs and destroying resources that provide watershed protection, wild life habitat, livestock grazing and all other multiple uses of our lands. The existing wild horse law does not accomplish this need.

First of all, wild horse and burro populations must be reduced to a realistic level. The 1971 horse count would be a good level to start with. As an example of what has happened with these populations, the 1971 BLM count in the Barren Valley Administrative Unit in the area North of Burns Junction tallied 56 adult horses and 11 foals for a total of 67 head. Last fall, because of an emergency situation created by a water shortage, the BLM removed 350 head of horses from this area and left back more than 300. Prior to this action the bands of horses so severely damaged parts of this range that it will take many years of proper management and rehabilitation efforts to erase their marks. Anyone who is interested in seeing a part of it can fly over the area between Crooked Creek and State Highway 78 north of U.S. 95. The spider web of trails and the erosion of the hillsides on the west side of Crooked Creek are clearly visible and will be for many years to come. I have with me a set of pictures taken in this area during September of 1981.

To successfully carry out a realistic wild horse program the Federal Agencies involved must have the ability to immediately pass title of the animals. The adoption program is only partially successful and is often so costly to achieve that present budgetary restrictions prohibit its functioning. At the present time, the BLM recognizes the need to remove large numbers of horses from their lands in many areas, but their budgets are so tight that they cannot provide feed and care for the captured animals until they can be disposed of in accordance with the law. They recognize that it is cheaper to leave horses running free even though they're aware of the population problems created by so doing.

There is a considerable monetary value to these wild horses. Sale of the animals would help to fund a realistic wild horse program. In this day of close budgetary shortfalls cost effectiveness is closely scrutinized. There is certainly no justification for a program that does not utilize the potential cost reductions that are available.

Realistically after horse numbers are established at a proper level and immediate ownership of surplus horses is permitted, a cooperative management arrangement between grazing permittees and the involved agencies should be instituted. Under such a plan, the ranchers could take over management of the horse herds under close agency supervision. With these ranchers we have an experienced, well-equipped work force who could efficiently perform the tasks of managing the horse herds in accordance with the law.

A great deal of effort and money has been expended in institution of a realistic range rehabilitation program on public lands. Substantial sacrifices in the way of usage cuts and expenditures of private money by livestock users have gone toward improving these lands. It is absolutely inconceivable that a program based only upon emotional appeal and romanticism as the existing wild horse and burro law has been, could be allowed to so severely, adversely impact the strong united effort in that direction. It is time for a return to reality and adoption of a realistic wild horse program.

The CHAIRMAN. Thank you very much, Mr. Ross. I appreciate your testimony.

Mr. ROSS. Thank you.

The CHAIRMAN. You mentioned in your last paragraph of your statement, which I have read in full, and I think it's worth reading because it summarizes the frustrations that so many people have:

It's absolutely inconceivable that a program based only on emotional appeal and romaticism, as the existing wild horse and burro law has been, could be allowed to so severely and adversely impact the stock.

Certainly that's been my experience in trying to deal with the problems that have been created surrounding wild horse and burro management. It is an emotional issue, as I stated when I opened the hearing today. Strong emotions are generated on both sides of the issue. I persist in believing that if we can get the facts stated to the public, we can make public policy based on those facts.

I won't concede that it is impossible.

I appreciate the testimony of people like yourself who have lived with the problem, who can testify from personal experience what happens; and I appreciate your statement at this point.

Thank you.

Mr. Ross. Thank you.

The Chairman. Next witness panel: Mr. Benson Gibson from the Duck Valley Indian Reservation; Ms. Pat Roloff or Arlene Morris from the Southwest Idaho Trail and Distance Riders; Mr. Al Steen from Emmett; Ms. Mary L. Stringer from McLean, Va.

You may proceed.

## STATEMENT OF PAT ROLOFF, SOUTHWEST IDAHO TRAIL AND DISTANCE RIDERS

Ms. Roloff. My mane is Pat Roloff and I am speaking for the Southwest Idaho Trail and Distance Riders. We represent the trial-riding segment of the recreational horse owners of southwest Idaho and far eastern Oregon.

I personally have owned horses for 35 years. I am a trainer and instructor and have taught horsemanship at three colleges. I also hold judge's cards with several breed organizations. My husband and sons are also very active horsemen.

The Southwest Idaho Trail and Distance Riders strongly support Senate bill 2183 and House bill 5825. Others today have already addressed the national problems of our wild horses and burros. I would like to bring your attention to the problems right here in our section of Idaho and how the pending legislation can help us.

In 1971, when legislation protecting our wild horses and burros was enacted, the herds in our three resource areas of the Boise District of the BLM numbered only 150 animals. Today our total stands at 458, an increase of just over 300 percent, and this is after roundups and adoption of 485 animals.

Next month, starting the first of September, another roundup is scheduled. The $200 adoption fee will hold down adoptions. At this date, only 52 horses out of 220 to be thinned out have been applied for. The BLM estimates 30 percent, or 65 horses, will be adopted. This leaves us with 154 animals to be maintained indefinitely, or until this legislation is passed.

Our choices of what to do with these excess animals are few. They cannot be returned to the range as two of our three ranges are in trouble, and returning them would lead to certain starvation of the herds before another roundup could possibly be scheduled.

Those who advocate population control by starvation simply must not understand the consequences of what they are saying. There are animal humane groups throughout the Nation that are charged with preventing this exact, same abuse from occurring in the private sector. For the Federal Government to embark upon a policy of this tortuous practice, which I believe starvation is, would be unconscionable to me. As a horseperson myself, as the wife of a veterinarian who specializes in horse medicine, and the spokesperson for this major group of Idaho horse owners, I feel this is a totally intolerable and unacceptable alternative.

I am equally opposed to the wholesale and deliberate destruction of a national resource, and I feel under current law this is really the only ultimate alternative under what we're working with at this time.

The current moratorium on destruction is not the answer; and according to the figures I have come up with, it will be costing the American taxpayer $12,000 a month to maintain the 155 excess animals that are coming off the three local resource areas next month. It's $12,000 in just 3 resource areas of 1 district of 1 State of 11 Western States that have horse herds.

My organization unquestionably recognizes the value of the wild horse and burro program. We want to see a viable herd maintained. Living here in the West, and having had the opportunity of observing firsthand horse roundups and the workings of our local BLM people—and I feel that they are doing an excellent job under the legislation available to them. I feel that to recognize the fullest potential of this program they must have public sales authority for excess animals and more realistic management alternatives. These provisions will be made possible under the passage of Senate bill 2183 and House bill 5825.

Now, with the cost offset from sales authority, we would like to see the adoption fees lowered; and we would like to see the adoption eligibility remain at four animals per year.

Thank you.

The CHAIRMAN. Thank you very much for your testimony.

I wish some of the people who testified against the legislation had remained to hear your testimony because I agree with you.

I don't understand people who do advocate population control by starvation, and that's really what they're saying. They don't have any other answer.

The other side of it is, while I think the BLM is doing a good job, they are not following the mandates of the present law. And I understand why they find it difficult to.

The present law says "adopt them out or destroy them," and they are not doing that. They are adopting them out when they can and then they are maintaining them.

Sometimes, however, they do that under immense public pressure and erected by some of these groups who don't have a better alternative; and sometimes they are maintaining the horses by court orders, by judges who have responded to the pressures of small groups that have demanded that they be maintained rather than destroyed.

There ought to be a better answer. I believe that the legislation is a better answer. But some people would rather just say "No, not that" and don't have a better answer.

Thank you very much for your testimony. I appreciate it very much.

Next panel is Mr. Dick Springs, Richard Bass. Are those people present?

This is No. 7 Panel.

Gentlemen, have chairs, please.

Mr. SPRINGS. Excuse me, Senator McClure. Duncan Mackenzie testified earlier, I believe, for our Mahogany Mountain unit; and what I——

The CHAIRMAN. Could you identify yourself, please.

Mr. SPRINGS. Richard Springs.

And I would pass on the panel to allow more time to others since what I would say would be redundant.

The CHAIRMAN. Thank you very much. We will show in the record that you agree with what they said.

Mr. SPRINGS. That's correct, and I would put a letter in the record for myself.

The CHAIRMAN. Thank you very much, and that will appear in the record in full in the appendix.

## STATEMENT OF RICHARD BASS, MURPHY, IDAHO

Mr. BASS. Senator McClure, my name is Richard Bass, and I am a pastor and I reside in Reynolds Creek, Murphy, Idaho. I am speaking for myself.

I wholeheartedly support the proposed legislation, Senate bill 2183. Anything else would be dereliction of duty on your part in regards to the taxpayers and horse lovers of America.

The restrictions placed on the wild horses seems so utterly ridiculous to those of us in the livestock business that we feel kind of dumb in bringing things up. But the U.S. Navy doesn't see anything wrong or immoral in selling horsemeat in the Navy commissary stores in the East as long as they are not a sacred wild horse.

With the foregoing in mind, their theory is that it's OK to eat mild, brood mare or feed mild ranch gelding to them, but not a wild horse.

The question is, do the American people have to feed and care for these unadoptable creatures, or can they take their place in the American food chain?

Even the children who wrote to you in 1971 regarding the Save-the-Wild-Horses bill agree that at some point in time every wild creature or every creature on Earth becomes useless.

I'd like to commend the BLM on their part in managing these horses. Being short of funds, it has set back some of their efforts several years, adding to the already-swelling numbers of unadoptable horses.

In our area, the BLM plan was to gather every 3 years, but demands of other areas in the State have broke this gathering plan. So a nice 2-year-old colt becomes 5-, 6-, 7-years-old—a rank stud horse—and adds to the problem.

I know you gentlemen know the problem, and we support you in your efforts to solve them. And I thank you for allowing me to testify here today.

The CHAIRMAN. Thank you very much, Mr. Bass.

Mr. Gasse.

## STATEMENT OF GLEN GASSE, AL CATTLE CO.

Mr. Gasse. Senator McClure, my name's Glen Gasse, and I more or less represent the AL Cattle Co. And we have, over there we have about 100 horses on us and just on our allotment alone; and there was 70 originally that were there.

A few years ago, most of them today can tell you, they had come from horses that had gotten away; but I think that Mr. Lowry and Mr. Ross and most of these fellows have pretty well covered what I would say. And the only thing is, I do think you were talking about the BLM and their responsibility, that if we are going to sell that horse for $200, it ought to be the Humane Society or some of them. The BLM ought to be relieved of that, as far as I'm concerned, of any more responsibility of the Government.

If that horse is sold, it ought to be like a car or anything else that's sold; otherwise, I think it's pretty well covered, and I would have a letter here that I would just leave with you.

The Chairman. That would be placed in the record.

Mr. Gasse. Thank you. I think that pretty much covers it.

[The letter follows:]

Emmett, Idaho, *August 7, 1982.*

Senator James McClure: The "Cascade Area" Crane and Four Mile area was once part of a large unfenced area used by many ranchers to run their horses, cattle or sheep as their permits allowed. Each outfit took care of their stock each spring and fall.

In the 1960s, the open range was adjudicated, portions were assigned to the rancher. Each rancher had to fence his area, thus corralling any stock that had not been claimed. The rancher took care of the stock as he saw fit. Then came the "Wild Horse" law preventing any further effort to control the horses.

In 1971 or 1972 there were less than a dozen stray horses. Now in 1982 the count is about 100.

The horses are demanding more and more feed. They also eat the stock salt and winter the hay and farm pasture if possible. The present law is making control very expensive and difficult for the B.L.M. or the rancher.

The number of these horses needs to be controlled or they will ruin the grazing lands and each cold winter will take its toll.

A. L. Cattle, Inc.,
Myen H. Little, *President.*
Glen Gasse, *Foreman.*

The Chairman. Thank you very much.

I guess we have three problems kind of interrelated; that is, what is an excess number? And the second one is, when that determination has been made, who gets the horse after it has been declared and determined to be an excess and removed from the range? Who is responsible for the maintenance of the horse in the meantime, and when does title pass, so the people who buy the horse can do with it whatever they wish to do?

Each one of those is a debatable issue, and the debate does come on each of those issues.

Mr. Gasse. If you break a horse and he isn't any good and then you have to keep him 1 year before you get rid of him, that's not any good. That's the only thing that I think about it, and a lot of people—if you raise your horse and he isn't worth anything, you will dispose of him; and that's the only thing. I can't see why they keep restrictions on them after the horse is sold.

The Humane Societies and stuff, people turn them into Humane Societies; looks like they could take care of it instead of the BLM.

The **Chairman**. Looks like we have an answer in southern Nevada. I think I heard Mr. Anthony indicate he's willing to take them all, so those down in southern Nevada have an answer for you, but in other areas we don't.

Mr. **Bass**. Just before, I believe, one of your questions about passing title, some of our ancestors—my uncle, a real fine horseman—he never had any problems at all in changing titles with other people's horses. Maybe we need some more of those guys. They will take care of it. Thank you.

The **Chairman**. Well, that was a concession from somebody who knows.

I don't see, either, Mr. Bill Swan or Tom Hovenden.

We'll move to the next panel. The panel is Mr. Dave Clopton, Sierra Club; Chris Yoder from the Sierra Club; and Sharon Saare, representing various organizations.

Are those people here, please?

Yes; one of that group is here.

Off the record.

[Whereupon a discussion was had off the record.]

The **Chairman**. Sharon Saare is here. You may proceed.

## STATEMENT OF SHARON SAARE, TRAIL, INC., AMERICAN FORESTRY ASSOCIATION, NORTH AMERICAN TRAIL RIDE CONFERENCE, OREGON STATE HORSEMEN'S ASSOCIATION, BACK-COUNTRY HORSEMEN OF WASHINGTON, HERITAGE TRAILS FOUNDATION, AND OREGON EQUESTRIAN TRAILS

Mr. **Saare**. The recreational horse user groups that I am representing in this testimony include Trail, Inc., American Forestry Association, North American Trail Ride Conference, Oregon State Horsemen's Association, Back-Country Horsemen of Washington, Heritage Trails Foundation, and Oregon Equestrian Trails. Their memberships include horsepeople from nearly every State in the Nation.

I have owned horses for the past 33 years. Six of those years involved the co-ownership and management of the largest horse ranch in northern California, at which time we bought, sold and shipped about 8,500 head of horses. I am not now in the commercial horse business. I don't ever expect to be in the horse business in that way again; so I don't have a personal commercial interest in the outcome of this legislation.

A significant number of those horses that we had in those 6 years came from the ranges and wild herds now under the jurisdiction of the Bureau of Land Management and the U.S. Forest Service. For several years I have also served on various industry committees and boards of directors of organizations, some of which deal primarily with land-use issues as they relate to horses.

The groups I represent, and I personally, would like it understood from the outset that we are in total support of the wild horse and burro program. Unquestionably, we wish to see it continue; however, in such a manner that is beneficial to the horses and burros and their habitat, recognizes the habitat requirements of indigenous species and provide reasonable management alternatives for the administering agencies of BLM and the Forest Service.

Few things in life remain static. This program certainly has not; and as circumstances have changed, so should it have the flexibility to change accordingly.

There is little doubt today that the wild horse and burro herds have reached sufficient numbers to ensure, with proper management, that they have an opportunity for a thriving future. However, part of that thriving future must involve more realistic procedures for handling population increases than are allowed by current law.

The adoption program, having placed over 37,000 animals, has certainly been successful. However, the only other option for herd-size reduction—shooting or death by injection—could hardly be considered in the same light.

We understand the thinking behind this procedure, that it would be the least likely to result in abuse; but at the time the legislation was enacted there simply weren't the numbers involved, nor does there appear to have been a comprehensive understanding of the hardiness of horses and burros in range situations without predators. Now that herd increases have demonstrated this reality, something must change.

As successful as the adoption program has been, it still has not and cannot provide a total solution for population control. Yet simply shooting and burying large numbers of excess animals is an insult to them, the agency personnel who must carry out such an assignment, and the program itself.

I am in receipt of copies of correspondence between Rex Resler, executive vice president of the American Forestry Association, and BLM Director Robert Burford indicating that without another alternative, BLM and the Forest Service may soon be compelled to destroy over 900 animals, with future prospects of destroying over 4,000 per year. This certainly will reflect unfairly upon the agencies and the congressional intent of the act, placing all in an untenable position with the public.

It is also unjustifiably costly from a good management point of view and particularly so in this era of fiscal belt-tightening, which is likely to continue for some time.

Public sale is a realistic option. The U.S. Fish and Wildlife Service has been utilizing public sale for 10 years with few problems. Senate bill 2183 would allow this proven precedent as an alternative for BLM and the Forest Service. Further, it enhances the opportunity for increased management that will result in program improvement, and adds citizen participation through the advisory committee.

We support the major portions of Senate bill 2183 and its accompanying bill in the House of Representatives, H.R. 5825; however, we would prefer that the annual adoption eligibility remain at four animals rather than being reduced to two since the adoption program should continue as the primary vehicle for herd-size control.

The CHAIRMAN. Thank you very much. I appreciate your statement. It's a very sensitive and thoughtful analysis of the problem, and I agree with you.

I understand why the BLM and the Forest Service don't like to be put in the spot that they are being put in. If we don't find an alternative, however, they are there.

Ms. SAARE. Senator, I really have compassion for the agency personnel in the field that are handling this wild horse program. And I think one of the things that really aggravated me in this whole situation is, so much of the publicity has put the BLM in the position of being a villain, and these people have to be good horsemen or they couldn't handle the program. And I have felt, really, that the agencies have been taking a bum rap on this situation because of the constraints of the law that haven't allowed them to do what, as horsemen, they would do under normal circumstances.

The CHAIRMAN. There is another point that I think needs to be made, for the record. There are those who wish more studies to be made, and there are courts that hold up any actions pending certain things to be done. The horse numbers don't remain static.

Ms. SAARE. Exactly. But my feeling about your introduction of this legislation is that this really is related to a procedure and actually a management option and not really as much to numbers of horses because, no matter whether they are 25,000 or 50,000 or 75,000 horses, some of those horses simply are not going to be adoptable. And particularly when these horses get a little bit of age on them, putting them into the private sector is not doing them a favor. So, we had hundreds of them through our place, and a lot of these, particularly from Nevada, that we felt by the time they were 4 or 5 years old, if we didn't sell them at that point they really shouldn't go into the average horseperson's hands.

The CHAIRMAN. One troublesome issue that was raised earlier by one of the witnesses—and I think we should return to it.

You had indicated that you, at an earlier time, had a commercial interest in the program but do not today; and that is the commercial aspect of the program. There are people who are horse breeders, who are involved in raising horses for sale, and the Adopt-a-Horse program that doesn't recover either the cost or the value of the horse is in direct competition with those people who are attemping to make a living out of a commercial breeding operation.

How do you respond to that?

Ms. SAARE. Well, I think that this program—and I'm not going to put an absolute handle on numbers—but let's say 25,000, 35,000 head of horses out there. Once it's under control, your annual yield is not going to impact the horse industry. In other words, the 4,000 or 5,000, or whatever, yield per year, frankly, is a help to the horse industry.

We are losing a third of a million horses each year to the human-consumption slaughter market, and something that—of course, I made my living selling horses—buying horses and selling horses—and so I'm quite familiar with the fact that people start with a less expensive horse and ultimately they move into the higher bracket.

People that buy $10,000 horses do not come out and buy a horse, but they can start with a $200 or $300 horse and ultimately end up in that $10,000 range.

Now, because of the human-consumption slaughter market now, which is not to the horse industry's best interest—and slaughter horse—that is not the problem. But it's just the price of the human-consumption slaughter horse that creates a problem for us now.

We are losing a lot of our grade horse-breeding stock to that market; and actually, these horses from this program can, to some degree—and a small degree—help replace that which is a starter market for the horse industry.

So I don't see a conflict with the numbers that ultimately should be involved in this program.

Now, if you are talking about having harvesting and disposing of $50,000 or $70,000 a year, then you will cause a problem to the horse industry; but under control, this program should only be good news.

The CHAIRMAN. How about the holding period before title can be granted? Is that a useful and necessary tool?

Ms. SAARE. Well, for sales authority, the title should pass immediately, and I'm sure that's in your draft.

The CHAIRMAN. How about the Adopt-a-Horse program?

Ms. SAARE. That probably should relate to the adoption fee in this respect. I have felt that the $25 adoption fee was pretty low because—and Jim Clapp testified, and he's right—people have picked these horses up, turned them out to pasture and returned them 1 year later; and this is not the intent of the act, nor do I think this is an appropriate subsidy for the Government to be in.

It just didn't work the way people thought it would.

I wondered if title should pass in 6 months under—now, I would like to see a little bit lower adoption fee. I think somewhere, as Jim mentioned, in the $100 to $150 range is appropriate.

The CHAIRMAN. Thank you very much for your testimony. I do appreciate it.

I understand that Arlene Morris, who was to testify earlier, is unable to testify.

Ms. SAARE. Pat Roloff did that testimony.

The CHAIRMAN. And Judith Hagen, I understand, is here and wishes to testify in addition.

You may proceed.

## STATEMENT OF JUDITH HAGEN

Ms. HAGEN. Arlene asked me to come and testify for her as an individual, as well as for Bob, her husband, and Karl, her son, and myself. We are all horse owners and we are horse lovers as well. And our main concern is, I have seen wild horses and I've seen a lot of wild horse footage that some friends of mine took—have taken at Echo Films—and we would rather see a few horses out there well taken care of than a whole bunch of horses out there starving to death.

We do feel that the ones they thin out should be allowed not to be buried. That is crazy. They should be allowed to be humanely killed and put in dog food or cat food cans so that maybe the BLM can recoup some of the—you know—the money that they spend taking care of the animals; and I think that's pretty much what we wanted to say.

The CHAIRMAN. Thank you very much.

Ms. HAGEN. Thank you.

The CHAIRMAN. I don't believe that any of the other witnesses who were scheduled to testify have arrived; and I would note that we are probably ahead of any schedule that they believed likely. They probably expected to be here after lunch to testify.

It would be my intention to give them that opportunity by recessing the hearing for 1 hour for lunch; but before doing that, I would ask if there are any people present who wish to testify whose name is not on our list.

Yes, ma'am?

Ms. **Stanger.** Senator McClure, I'm Edith Stanger from Idaho Falls, and I would like an opportunity to make just a couple of points.

The **Chairman.** Are you related to that other Stanger?

Ms. **Stanger.** I tried my best to bring him up properly for a number of years.

The **Chairman.** Do you want to supplement his testimony or rebut it?

## STATEMENT OF EDITH STANGER, IDAHO HORSE COUNCIL

Ms. **Stanger.** I'm not going to tell you. They may haul me out.

I am currently president of the Intermountain Regional Appaloosa Club, which is one of the largest regional clubs within this State. I am also vice president of the Idaho Horse Council.

We have probably the largest registered Appaloosa breeding herd in the world, and we are also involved in an export business. We've exported Appaloosa horses to Venezuela, Central America, Australia, Japan, so on.

I feel, in listening to the testimony of the various panels here today, that there's been one pertinent point that may be misinterpreted by the opposition; and that was the great number of cattlemen and sheepmen and Association Farm Bureau that were testifying primarily about the use of the land being in controversy. I really find it a little bit hard to see their point of view due to the fact that, as a Nation, we primarily eat cattle rather than horses.

I'd just as soon let the cows have the range. However, further than that, if we could only survey horsemen and horsemen's groups across the entire Nation, but especially in the Western States that are affected with the problem, not particularly from the standpoint of land use, most people involved in raising horses are not in competition for this land. But from the standpoint of actually seeing the wild horses, seeing what becomes their fate, which is often a very bad fate—I believe that the horsemen so surveyed would overwhelmingly support your proposed legislation. And, as vice president of the Idaho Horse Council, I'm sure you are aware that we have long been interested in this issue; and that organization represents, I believe, now, almost 20,000 horsemen through its associated membership.

So from your constituents in your home State you have, I believe I can safely say, the complete support of the horsemen in the State of Idaho. We only wish you success with it.

Thank you.

The **Chairman.** Thank you very much. I appreciate that testimony.

Are there any others present who would like to be heard?

As I announced earlier and will announce later, the record will remain open 2 weeks for the submission of testimony in writing or additions to the printed and written record

I think with that——

Yes, sir?

## STATEMENT OF DON SMITH

Mr. **Smith**. I am Don Smith, pastor of a church, horse lover; and I have been trying to analyze what maybe hasn't been said and I think might be important.

I also enjoy hunting. I think maybe there hasn't been quite an adequate emphasis on the impact of undue horse numbers on the game animals; and it is being brought to our attention; and there is the matter of the article from the Game Department. I was very happy that that was to be put into the record, and just one other comment.

I think that in the eyes of a hungry world a nation that can destroy food of any sort, but particularly that which may be a protein source, I think we are putting a very black mark on our Nation. Maybe we aren't thinking about this, but we do live in a hungry world; and this is a resource, and we can see what is being said. If the law isn't changed, more and more will have to be destroyed, and I don't think that looks good for America.

The **Chairman**. Thank you very much.

Thank you very much for the testimony, and with that we will stand in recess for 1 hour.

[Whereupon a recess was taken.]

### AFTERNOON SESSION

The **Chairman**. The committee will come to order.

I understand Mr. Clopton is here and that he is also representing Mr. Yoder; is that correct?

Mr. **Clopton**. Yes.

The **Chairman**. Mr. Clopton, if you'll take your chair at the witness table, we'll hear your testimony.

## STATEMENT OF DAVID CLOPTON, MIDDLE SNAKE GROUP OF SIERRA CLUB, AND ON BEHALF OF CHRIS YODER

Mr. **Clopton**. I hope I'm not the only one who caused us to adjourn the meeting this afternoon. I have about a minute and a half's worth of testimony here.

My name is Dave Clopton. I represent the Middle Snake Group of the Sierra Club. We have a little bit of input for the Senator's recommendations on the Wild Horse and Burro Act.

Senator, thank you for this opportunity to express our opinion concerning the Wild Horse and Burro Act.

Wild horses have been a pet subject of western movies and books just about forever. Most of us have seen a movie with a band of mustangs led by a shimmering black stallion that outwits the bad guys and runs free in the hills. It seems the bands of wild horses and burros are as much a part of the lore of the West as the mountain man, campfires, and cowboys.

I was going to add Ronald Reagan on there, too.

The Wild Horse and Burro Act is an admirable effort to protect this part of our Western heritage, but it has proven to be more protection than the horses need for survival. As you know, the horses have no natural predators and their numbers are increasing significantly.

The act gives feral horses and burros privileged position over other species reliant on Federal lands for grazing. Where feral horses or burros contribute to overgrazing of Federal and State lands, we endorse increased reductions in their populations. Where they compete with rare, endemic, threatened or endangered species, they should be eliminated.

Population control must be handled in as humane a manner as possible; private ownership should be encouraged, destruction of the animals for sport purposes strictly prohibited.

The BLM's adopt-a-horse program can absorb the extra animals from these population control efforts, but the present fee structure must be revised. Adoption fees cannot be looked on as a way to pay for feral-horse-control costs. Fees should be based on animal quality and demand. The objective of adopt-a-horse is not to make money or even to break even; it is to insure the horses' survival by placing them with citizens.

Senator, the Toyabee Chapter of the Sierra Club has formulated a proposal for the management of feral horses. We support this proposal and ask that the guidelines it contains be adopted in your amendments to the Wild Horse and Burro Act.

Thank you.

The CHAIRMAN. Thank you very much. I appreciate the statement because a great many people who come from environmental-protection-ethic backgrounds refuse to accept the fact that bands of horses do become competitors—unfair competitors—and they have adverse effects on other values of those public lands, both the other wildlife and domestic livestock, and certainly the condition of the range itself.

Mr. CLOPTON. Yes. I think that the point to be stressed is, if we do reduce the populations of the wild horses that that excess, or the excess, be allocated to rangeland improvement, not necessarily to increased grazing by cattle.

The CHAIRMAN. I think we gave the BLM at least the direction that they should take when the action was taken in the 1971 act.

Some conversation during the noon hour with some of the people who were suggesting that we ought to look at the possibility of establishing some areas for wild horses and then eliminating them from all other areas. And my recollection of the testimony at the time the act was passed was that we did indeed look at that and decided not to do that; or to put it in the other way, did not decide to do that.

We did direct the land managers to maintain horses where they then existed at numbers which were compatible with the other multiple uses of the same lands. That would include domestic livestock because they are, as a matter of fact, a part of the reason for the management of the lands.

I just want to say that for the record because I wouldn't take that as being that any reduction in horse numbers would not be met also with the objective of perhaps increased grazing, if that were the appropriate land management decision for that unit of land.

Mr. CLOPTON. Yes. I agree with your position as you stated there as long as——

The CHAIRMAN. Could you submit to us the Toyabee chapter's recommendations for the record?

Mr. CLOPTON. I don't have a copy with me now, but I will obtain it and send it to your office.

The CHAIRMAN. If you would do that, I would very much appreciate it; and then we'd understand what your recommendations are in full.

Thank you very much for your testimony.

Mr. Benson Gibson will be permitted to file, for the record. He is not here.

Mr. Al Steen of Emmett, Idaho?

I have not seen him, and I don't think anyone else has here.

Mary Stringer from the organization Makin' Tracks from McLean, Va.: those persons, we will hope they file, for the record.

Mr. Bill Swan of the Idaho Cattlemen's Association and Mr. Tom Hovenden of the Idaho Cattle Feeders are similarly unable to be with us today, and I think that's the total of those who have asked to appear and testify.

Are there any others who would like to be heard at this time?

If not, let me thank all the witnesses and those who have taken interest in this hearing today; and I will again repeat that the record is open for 2 weeks for those who wish to file testimony or make additions to their testimony, for the record.

With that the hearing is adjourned.

[Whereupon, at 1:45 p.m., the hearing was adjourned.]

# APPENDIX

## ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

### SOCIETY FOR RANGE MANAGEMENT

Statement to present to Senator James McClure's Energy Committee
Hearing held in Boise, Idaho, August 7, 1982.

Mr. Chairman:

The Society for Range Management appreciates the opportunity to present this statement to your committee. We are very much interested in the revision proposed to P.L. 92-195 of 12/15/71 (The Wild Horse and Burro Act) by S2183 and HR5825.

The Society for Range Management (SRM) is an organization of nearly 5,000 members with a common interest in the study, management, and rational use of public and private rangelands and related ecosystems. With its headquarters in Denver, Colorado, SRM membership includes ranchers, wildlife biologists, hydrologists, range conservationists, students, educators, research scientists, businessmen, and others who support the sustained multiple use of rangelands and related resources.

The Society for Range Management believes very strongly that there should be a place on the public rangelands of the United States to maintain a reasonable population of wild and free-roaming horses and burros. We are including as public rangelands lands under the jurisdiction of both the Departments of Interior and Agriculture. Populations of wild horses and burros should be managed in balance with other accepted and important uses to which these lands are placed, and the animals must live in harmony with their environment.

Public Law 92-195 of 12/15/71 accomplished its objectives very well by bringing public attention to bear on the free-roaming wild horses and burros that make their home on the public lands of America. Because of this law and the management exerted under its guidance, these animals have made spectacular increases during the past 10 years. In fact, excess animals are now the problem. SRM believes, therefore, that amendments to the present law are needed if the resource and the animals are to be properly managed and controlled.

The Society for Range Management will soon file with your Committee, as well as with the Secretaries of Interior and Agriculture, its position on each of the amendments proposed in S2183 and HR5825. At this hearing we want to stress the following:

1. Animals not adopted should be sold. Agencies should have flexible sale authority so that surplus animals can be disposed of in the most efficient and humane manner possible.

2. SRM suggests that your Bill be modified to allow agencies to continue to offer four horses or burros for adoption rather than reduce the present authority to two animals.

3. Agencies must be given the management alternatives under the law to manage lands under the principles of multiple use and to hold animal populations at levels the resource can support without deterioration. Perpetuation of a healthy and continuous wild horse and burro population is dependent on a healthy, natural range resource.

4. The Society for Range Management believes the image of the Federal land managing agencies will be enhanced under a surplus animal sale program. To have the public's support and confidence, land managing agencies must have the legal and policy tools necessary for the most humane management possible of this most dynamic horse and burro population. Likewise, they must have the flexibility and authority to manage the renewable range resource in a way that will best serve all the various uses to which the land is subjected, including wild and free-roaming horses and burros.

In summary, SRM believes that P.L. 92-195 should be amended, generally along the lines your Bill provides. We appreciate the opportunity to present this statement, and we will follow-up with a more detailed written response to your Committee on this important amendment.

**WILD HORSE SANCTUARY**
1135 Pine Street Suite Number 004
Redding, California 96001
916-243-3879

# STATEMENT OF

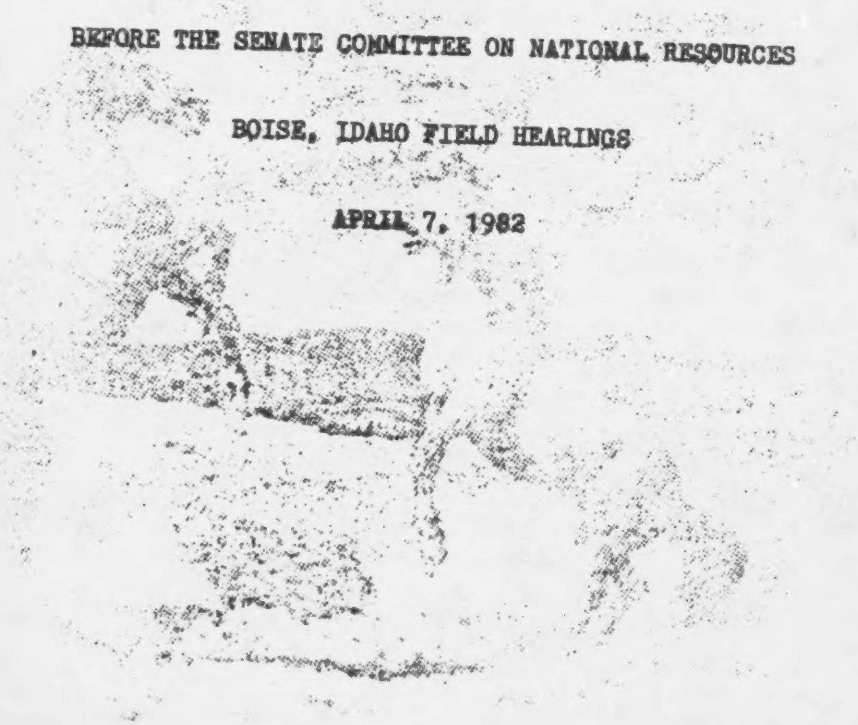
# THE CAREY RANCH WILD HORSES AND BURRO SANCTUARY

# REGARDING S 2183

# BEFORE THE SENATE COMMITTEE ON NATIONAL RESOURCES

# BOISE, IDAHO FIELD HEARINGS

# APRIL 7, 1982



The Carey Ranch Wild Horse Sanctuary has been saving unadoptable wild horses since it's inception in 1978. We want what is best for all horses, wild or domestic as well as all living things. We support S 2183 because it will allow for better management and bring good results to the wild horses and all who share their range.

We believe this legislation is designed in view of the adoption fee policy of the Bureau of Land Management whereunder, beginning January 2, 1982, the adoption fee for a wild horse went up to $ 200.00 and for a wild burro $ 75.00. We understand this Bureau of Land Management policy responds to requests of the Office of Management and Budget and of the House Committee on Interior and Insular Affairs to make the adoption program more self-supporting.

The Sanctuary shared with many others the fear that this new adoption fee policy would result in a severe decrease in adoptions, causing a large, unacceptable increase in the destruction of excess wild and free roaming horses and burros now mandated by section 3(b)(2)(C) of the Act which provides that " The Secretary shall cause additional excess wild free roaming horses and burros for which an adoption demand by qualified individuals does not exist to be destroyed in the most humane and cost efficient manner possible. "

On September 24, 1981 the Sanctuary learned from the BLM Denver Service Center in Colorado that prior to the adoption fee policy there were 17,000 persons on the BLM computer list waiting to adopt wild horses or burros. In June a letter was sent asking who of those 17,000 would still be interested in adopting a wild horse at the new $ 200.00 fee. 1,600 persons were all that responded.

Even the BLM admitted the prospects were not encouraging for the wild horses and burros. Directors of the BLM had told us that when there is not enough adoption demand to provide homes for wild horses, the round-ups will cease. Horses and burros above management levels will then be declared excess on the range and elimination by direct reduction (shooting) will commence.

We are sure that most of you reading this are aware of the sobering fact that we could soon be facing the mass slaughter of more than 50,000 wild horses and burros. 50,000 is a conservative estimate. This course is mandated by PL 92-195 as amended in its present form and it is the legal duty of the BLM to pursue this course unless it is changed.

We believe, in view of the pressure now on the BLM caused by its budgetary reductions and the expressed need to make the adoption program as self-supporting as possible, that it is now urgently necessary for excess animals not to be wasted by gunfire in place, but rather to be managed humanely for their best and most productive use. Unfortunately this is the only way we can see for the cost of humane capture, adoption and relocation to continue with the necessary financial support, and for the right to life to be secured for far more animals than will other wise survive the results of the BLM's new adoption fee policy.

On August 28, 1981, after previous meetings in California with BLM and Forest Service officials, including the then BLM Director for California, Jim Ruch, Sanctuary President Jim Clapp had a thorough-going discussion in Washington with BLM Director Robert F. Burford and his staff concerning the problems that appeared imminent in implementing the new $200/75 adoption fee policy on January 2nd. He found Mr. Burford very concerned with this subject personally and willing, as he told us, to go more than half way in working with any individuals or organizations willing to help solve the problems involved in successfully managing our wild horse and burro populations. It appeared very clear that under the present Wild Horse and Burro Act, as amended, a very large increase in excess animals will suffer useless, untimely death unless the Act can be amended to provide for humane handling and management of excess animals to be removed from the public rangelands.

We therefore accepted the fact that new legislation was necessary to overcome its present shortcomings and provide for an efficient, cost effective management program.

We fully realized the thought of selling and thus possibly utilizing wild horses would be repugnant to many who are unable to accept this alternative. We are far from happy with it ourselves. At this critical time, however, we are facing just two choices: (1) Death on the range by shooting which cannot be humane; or (2) At the very worst, a humanely supervised death under tightly controlled and usually federally supervised conditions.

Sanctuary President Jim Clapp has worked in various animal programs most of his life. He pioneered the wild horse removal program for the U.S. Forest Service and developed the most humane and cost effective methods available for capture of large animals. When destruction threatened hundreds of unadoptable wild horses and burros, he co-founded a sanctuary with government sanction to insure quality life for these animals. He has saved nearly 250 wild horses and burros. Searching for solutions to the wild horse problem has occupied a great deal of his time and pocketbook for the past several years. He has just concluded the humane capture and removal of more than 6,500 feral goats and pigs from San Clemente Island, California, which experts declared a task impossible to accomplish. His reason for completing this nearly impossible task was solely to prevent the mass slaughter of these animals that the Navy announced it was planning to execute. He speaks with first hand knowledge on the subject of destroying animals on the open range by shooting. It is never effective and always accompanied by untold suffering.

The BLM has already accepted the fact that their own BLM personnel will not be willing to perform this gruesome task. The only alternative will then be to contract with dispassionate individuals who will be killing in the worst possible fashion, unless those who feel that slaughter on the range is preferable to sale are willing to take up the rifles and themselves complete the destruction that has been mandated by Congress. Even a sporthunter cannot stomach such a blood bath as we are facing for all the excess wild horses and burros, if the governing legislation is not changed quickly.

Some protection groups do not fully understand the situation facing the wild horses today or they just cannot accept the facts of the matter.

Many groups advocate waiting for the National Academy of Sciences studies on wild horses to be completed before considering further ammendments to PL 95-195. NAS has indicated in its preliminary reports that not much will be achieved by the current studies. Rather NAS indicates that another ten years and six million dollars are necessary to give the various groups the information they would like. The horses in some areas cannot wait that long! Many die of starvation and thirst now when unfavorable conditions occur!

The Sanctuary feels that the two hundred dollar fee for wild horses should be lowered to a figure that would place more horses in good homes, possibly one hundred to one hundred twentyfive dollars.

The two hundred dollar figure is a deterrent to many not because better horses can be bought for the same amount, they can't. It is a deterrent because for a little more money horses can be bought that are much easier to handle with less risk and work involved for all.

We don't want to see the adoption fees returned to zero since possibly as many as 50% of the 39,000 horses that have been placed at the free fee ended up going to slaughter plants after title was granted to the adopters.

Upon investigation the Wild Horse Sanctuary learned through the Department of Agriculture in Washington D.C that the U.S. has 21 federally inspected slaughter plants for horses. These process over 300,000 horses annually. Upon checking with various plants we were informed (by thoses who would talk to us) that upwards of 100 wild horses with titles were processed weekly. Many instances were reported of individuals who took four horses for different individuals, pastured the horses for one year, until title was granted, then promptly sold them for slaughter. All this is perfectly legal under current "protection" laws. When an adoption fee is required the margin for profit is nonexistant and these types of occurances will cease. Of course if an individual has to buy hay for horses there is no margin for profit even on a free horse.

Since the younger horses and mares are the most desirable to the public these should be easily placed at the modest fee of one hundred to one hundred twenty five dollars leaving the less desirable animals that would otherwise be destroyed available for sale if no one wanted to adopt them. Sale revenues from unadopted older horses could be substantial since current prices quoted to us ranged from three hundred to five hundred dollars depending on the indivdual horse. This shows that the BLM is not totally unrealistic in asking for an adoption fee.

The Sanctuary does not feel that most of the horses will go to slaughter if S 2183 passes and makes possible lower adoption fees as BLM assured us it would.

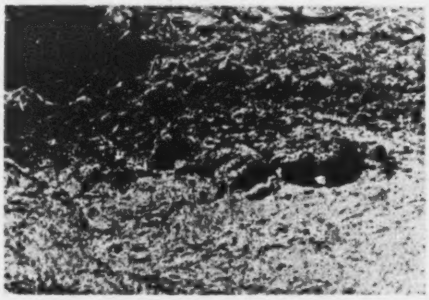
Only undesirable horses that had not been adopted during the time limit could be sold. Humane groups will have every opportunity to see that the agencies comply with these laws.

Passage of S 2183 could never allow conditions to return to the abuses of the past prior to the 1971 Act as some claim. The cruelty and ruthlessness that brought about the Wild Horse and Burro Act were a result of greedy profiteers that had no restraints imposed on them as to method of capture or means of transportation.

With all the laws, public attention and protection groups montitoring the various agencies conducting roundups gatherings proceed quite orderly and routinly now and always will, S2183 could never change that or allow wild horse herds to become extinct.

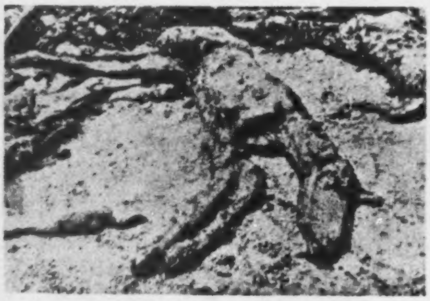
We appreciate this opportunity to express our views to this subcommitte and urge that S 2183 be approved.

The slow and needless progression of death in the 1977 Owhyee Desert in northern Nevada.

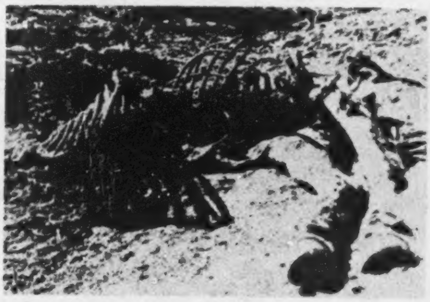


Down, a wild horse colt has been abandoned when it became mired in mud as the water holes were reduced to mere trickles by larger horses.

# THIS DIDN'T HAVE TO HAPPEN!



With not enough water for their numbers, area water holes were turned into a sea of mud. As the weakened colt tries to suck much needed water from the mud that has trapped him, his intestines are finally clogged and he dies.



All that remains is the reminder of what could have been prevented by proper management.

**At the present time there are an estimated 70-80 thousand wild horses roaming 11 western states and with present growth rates of approximately 20% per year, this number could easily reach 140,000 by 1985. This could mean up to 50,000 horses shot to death either on the open range or in government holding corrals if something isn't done – NOW!**

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
AUG 10 1982
WASHINGTON, D.C. 20510

July 29, 1982

The Honorable James A. McClure
Chairman, Energy and Natural Resource Committe
3106 Dirksen Building
Washington, D.C.

Mr. Chairman:

We, L.N. (Bud) Purdy, Chairman and Lee Sharp, Executive Secretary of the Idaho Rangeland Committee, applaud the efforts made in Senate Bill 2183 to amend Public Law 92-195 relating to the protection of wild free-roaming horses and burros. The act as written and the court judgements stemming therefrom create almost insurmountable obstacles in wild horse areas for the public land manager to "maintain a thriving natural ecological balance on the public lands" and meet multiple use objectives specified in the Federal Land Policy and Management Act of 1976.

The Idaho Rangeland Committee is represented on the Challis Experimental Stewardship Group and from this experience we have observed many of the difficulties created by Public Law 92-195 in managing the public land renewable natural resources.

The decision document resulting from the final Environmental Impact Statement for the BLM's Challis Planning Unit allocated forage for 150 wild horses, the number on the area when Public Law 92-195 became effective.

The number of wild horses went from 150 in 1971 to 490 in 1976 and 767 in July of 1979. Although the BLM prepared to gather excess horses in 1976, the American Horse Protection Association filed civil action in Federal District Court and obtained a decision that ruled the gathering illegal and issue an "injunction permanently enjoining the proposed roundup of wild horses for the Challis Planning Unit until NEPA and the Wild Free-Roaming Horses and Burros Act have been complied with in all respects." Although it appears to us that the requirements have been met, the court still dictates the management of the rangeland resources in the Challis Planning Unit.

For the reasons just cited we strongly support the change in PL 92-195 which strikes out "at the minimum feasible level" and inserts "in accordance with the resource management objectives for the area established in land use plans."

Additional support for this change can be obtained from a recent study by an Idaho Wildlife Research Biologist working for the Idaho Fish and Game Department. His studies indicate that excessive wild horse use of the vegetation cover subjected antelope fawns to greater loss by predators--coyotes, golden eagles and bobcats--as compared to similar non-wild horse areas at Challis. It was concluded that lack of hiding cover for the fawns made them more susceptible to predation. Difficulties in implementing land use plans developed by the Challis Experimental

Stewardship Group have arisen because of the excessive wild horse numbers. Prescribed burning and specialized grazing management plans designed to improve rangeland resources have had to be abandoned in some areas because of the horses.

The rationale for reducing the number of horses that may be adopted from four to two is not apparent to us. We suggest that very careful consideration be given to this change as it appears to be counterproductive to the disposal process.

The removal of the stipulation that no free-roaming horse or burro or its remains may be sold or transferred for processing into commercial products is appropriate for a country that is striving to conserve and avoid waste.

The Idaho Rangeland Committee has no comments on the remaining changes in S.2183. We would like to suggest, however, that S. 2183 include a provision that requires any litigation in connection with wild free-roaming horses and burros be assigned to the jurisdication of courts in the state or locality where the conflit exists. An understanding of local conditions is important to the rendering of just decisions by the courts.

In conclusion, we do not feel that the previous legislation regarding management of wild free-roaming horses and burros serves the people of the nation well in the maintenance and improvement of our rangeland resources. It also does not serve the people of states like Idaho where so much of the state's economy is based in these rangeland resources. We expect and are hopeful that the amendments proposed will help correct the shortcomings of the existing legislation.

L M. (Bud) Purdy by LLS
L.M. (Bud) Purdy, Chairman

Lee Sharp
Lee Sharp, Executive Secretary

Tony ✓
cc: Pat

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August 31, 1982

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
SEP 7 1982
WASHINGTON, D.C. 20510

The Hon. James McClure
Attn: Tony Bevinetto
Committee on Energy and
  Natural Resources
3160 Dirksen Bldg.
Washington, D.C. 20510

Dear Mr. Chairman:

I would like to commend the efforts made in Senate Bill 2183 to amend Public Law 92-195. I feel that the bill will lead to solutions to issues which have arisen since P.L. 92-195 became law and subsequent court decisions were made.

I have several comments which relate to sections in the bill that have caused some confusion on my part. Part of my confusion is also related to recent actions on the part of the Bureau of Land Management regarding adoption fees of free-roaming wild horses and burros.

First, some background information. As you are aware, the American free enterprise system is an amazing mechanism. It allocates scarce resources to competing uses through competitive pricing. Competitive pricing is based upon demand for the resource or product. This market system works well in many instances; but in some cases it is prone to failure (i.e., when a misallocation of resources occurs). In many instances this failure is caused by government intervention into the market system, either by artificially manipulating prices or supplies, or other means. In some cases, government intervention is based upon faulty market information.

It is my premise that government intervention into the wild horse market through adoption fees or minimum bids is doomed to fail. (Note enclosed article which appeared in The Idaho Statesman August 27, 1982.)

I would like to propose that the agencies be allowed to "sell" wild horses through the market system. Under this situation, demand for wild horses would determine the price paid to own one. There would be no artificial "adoption fee" created that would set a minimum bid for surplus horses. It is my hypothesis that most of the horses are currently adopted in hopes of creating a saddle horse, pack horse, or other utilitarian animal; in other words, the wild horse is simply raw material which is made into a final product to be used by humans. I would also guess that there are very few horses currently adopted in order to "maintain" the wild horse herds.

I feel that the excess wild horses should be gathered and sold to the highest bidders. The successful bidder immediately should become the legal owner and

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be free to use or dispose of the animal(s) as he/she sees fit. The highest and best use for many of the wild horses may be as animal or human food. The successful bidder should also not be limited as to the number of horses which he/she may adopt.

This approach would probably take time and testing to determine the appropriate marketing technique for horse disposal. However, the market determination of value should eventually help the agencies to determine appropriate management of the horse herds. For example, if the major demand of excess animals is for young animals that can be broken and eventually ridden or packed, then these agencies should channel their management to produce this type of animal. This type of program may eventually evolve into a self-supporting program. However, initially it may require some sort of subsidization until the wild horse herds are producing the type of horse being demanded by prospective bidders.

I am sure that you are well aware of the damage being done on many western rangelands by excessive numbers of wild horses.. In order to get horse populations to manageable levels, I am sure that initially the public should accept the fact that some of the wild horses may be slaughtered. However, if information such as that provided by Heather Thomas in her book, The Wild Horse Controversy, and others (i.e., Dr. Marty Vavra from Oregon State University and Bub Autenreith from the Idaho Department of Fish and Game) is made known, the public outcry can be forestalled.

Assuming the BLM has a sale and there are horses left which have not been sold, the Bureau should be free to dispose of them through the market created by commercial slaughter plants. The Bureau should not be forced to care for and feed these animals until buyers can be found. The Bureau is currently supporting many unadoptable animals which could be used to generate cash flow and thus move the wild horse program towards self-sufficiency.

If a market approach is adopted, it will be interesting to see whether the so-called "animal protection" groups are willing to enter the market in order to protect horses. In other words, can the hypothetical willingness to pay concept be translated into actual market value?

In conclusion, I would urge you to consider a market approach to the wild horse situation. If this were undertaken, the horse herds which inhabit western rangelands may evolve from being considered a nuisance to the status of a resource in planning and management by federal agencies. This approach is not without risks, and effort will need to take place in order to develop markets and appease the public.

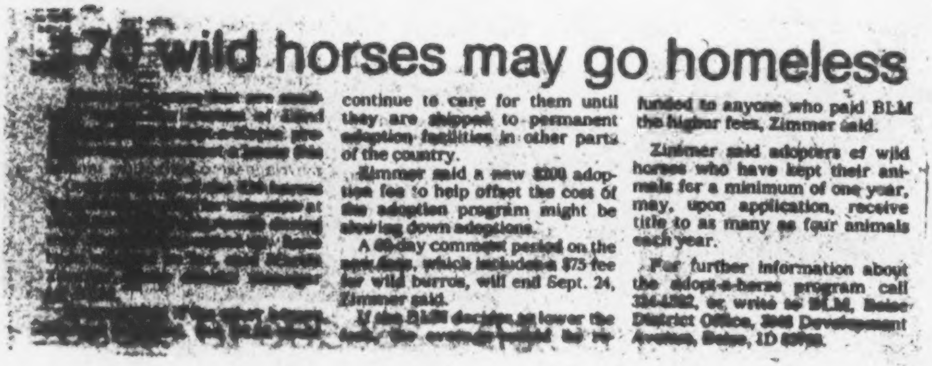
Thank you for the opportunity to enter this for consideration.

Sincerely,

Neil Rimbey

Neil Rimbey
Extension Range Economist

bds
enclosure



# 370 wild horses may go homeless

[illegible]

continue to care for them until they are shipped to permanent adoption facilities in other parts of the country.

Zimmer said a new $200 adoption fee to help offset the cost of the adoption program might be slowing down adoptions.

A 60-day comment period on the new fees, which includes a $75 fee for wild burros, will end Sept. 24, Zimmer said.

If the BLM decides to lower the fees, the overcharge would be refunded to anyone who paid BLM the higher fees, Zimmer said.

Zimmer said adopters of wild horses who have kept their animals for a minimum of one year, may, upon application, receive title to as many as four animals each year.

For further information about the adopt-a-horse program call 334-1582, or write to BLM, Boise District Office, 3948 Development Avenue, Boise, ID 83705.

# WRITTEN TESTIMONY

to

SENATE ENERGY AND NATURAL RESOURCE COMMITTEE

by

LYLE W. TALBOTT

SUBJECT

WILD HORSE AND BURRO ACT

August 7, 1982
Boise, Idaho

My name is Lyle W. Talbott. I am Manager of the DeLamar Silver Mine and reside in Jordan Valley, Oregon. I have served as Chairperson of the Multiple Use Advisory Board to the Vale District, Oregon, of the BLM. My comments are made as an individual who has firsthand acquaintance with the issue as an observer.

I support Senate Bill 2183 as a positive approach to the alleviation of a problem of the public land, and the suffering of dumb animals.

Wild horse numbers and concentrations are such in southeastern Oregon that the damage by physical impact upon the fragile surface is causing serious errosion in areas. Further animals are suffering from their own over-population which results in depletion of feed and more serious the sparce water supplies, an in-humane condition.

These animals, when gathered should be disposed of in a manner which maximizes their value, be it adoption or for slaughter. The result would be lower costs and expenditures and a revenue source other than the taxpayer. This self funding concept is in accordance with the will of Americans.

Immediate sale or disposal of the entrapped animals would alleviate the degredation and suffering caused by the prolonged confinement of present practice.

I urge you to consider these issures in light of good business management, protection of our natural resources and as a compassionate human who disdains cruel treatment of any form of life.

Respectfully submitted,

Lyle W. Talbott

Lyle W. Talbott

FROM THE WHITE HORSE
"MAKIN' TRACKS" Inc.
1616 Westmoreland St.
McLean, Va. 22101

August 4,1982

To: Diana Hunsucker
District Assistant for Sen. James McClure
149 Borah Station
Boise, Idaho 83702

Dear Miss (or "Ms") Hunsucker:

Although I spent the first 18 years of my life living in Glenns Ferry, Idaho, I've spent the last 18 years living near the nation's capitol of Washington, D. C. while my husband, George D. Lea worked as a "Conservationist" (not a politician) for the United States government's Bureau of Land Management, so, even though I am still a "country girl" in many ways, I am well aware of the fact that I would be wasting my time, energy and the money it would cost me to fly to Boise to "testify" at the "scheduled committee hearings in Idaho on legislation to reform the Wild Horse and Burro Act" - Public Law 92-195.

I've loved horses all my life but have never owned one to ride for my own pleasure - that is because I am still considered by most of the financially wealthy politicians and "business men" back here in the east as just "poor white trash", especially since my husband, who had spent 30 years of his life and who won the Distinguished Service Award from Sec. of the Interior, Mr. James "light of the world" Watt last December for the 30 years he spent working for the Dept. of the Interior, was *fired* from his job with the BLM just 6 months *before* Mr. Watt gave my husband that "highest award a federal *employee* can recieve from the Secretary of the Interior"!

The only option my husband was given by his former "boss", Mr. Robert Herford, Director of the BLM, was to take an "early retirement", which my husband decided to take so he wouldn't lose all of the money he had put into his "retirement fund". I could write (right) a book about many of the political hypocrits my husband and I have had to cope with while both my husband and I have done the very best work we were abel to do as "Conservationists" for our friends and neighbors, our country and our "God" - and when I can find the time and energy it will take for me to write that book, I fully intend to do so. And I will leave no stones unturned either about who those hypocrits are that I intend to write about! My book should be a "best seller" because it will be full of "sex and violence and the Truth", just as much as that other best seller, the Holy Bible is.

2-

It wasn't until the year 1969 that I was introduced to the lady known by millions of Americans as "Wild Horse Annie" and learned of her personal battle to get a federal law passed and signed into "law" by a president of the United States which would provide some federal protection for those poor wild horses and burros, which until the "act" was passed into federal law in December 1971, had been slaughtered by the hundreds of thousands so there would be more federal grazing lands for the cattlemen and the sheep-herders, like Mr. Robert Herford (or Burford) to raise more of his "beef-cattle" and "lamb-chops" (his sheep) on that "public land". Plus those "cow-boys" had another motive in wanting to kill those poor animals - it was because they knew they could get a lot of money for them, "live-weight" at the rendering plants from those employees at those "plants" who intended to make "pet-food" (dog-food) out of those wild horses and burro's flesh.

Until the passage of the Wild Horse and Burro Protection Act, there had never been any federal protection given to those poor animals. And it wasn't your Senator McClure or your Sen. Symms or any other of those hypocritical politicians out there in the "wild, wild west" who instigated or promoted that federal law - it was people like me and little children and little old ladies like my deceased friend and colleague, "Wild Horse Annie" that got that federal law pushed through Congress and signed into federal law by former President Nixon in Dec. 1971. But still the politicians try to claim credit for the passage of that law, even though most of those men who are trying to get that credit were not involved with the passage of that law, nor did they support such a law when they were private citizens. (U.S. Senators Mark Hatfield ~~are~~ the only U.S. Senator~~s~~ who w~~ere~~ of any help to us "wild horse lovers" during the time we testified at the Senate Hearings on the Wild Horse and Burro "issue" here in Wash. D. C. in the spring of ~~1~~ 1971. Former Senator Frank Church was the chairman of that committee, I believe, but he was rather non-committal about whether or not he thought that "act" was a good one or not. Now he is no longer a Senator for the U.S. Senate. He is just another "lame-duck politician"/ just like some of the Republican senators will be after the next election if they don't stop "land-lording" it over "we the people of the United States" as they have done since they rode into their political jobs by lieing to their constitututents (the voters) and promising more than they have been able to deliver!

+ the Honorable Senator Henry M. Jackson

The only good idea your Senator McClure has had in his "proposed amendment" to the Wild Horse and Burro Act is to change the number of horses and/or burros a person can "adopt" from 4 to 2! The~~r~~ rest of his "proposals", if they are passed into federal law, will only result in more of our "public lands" being made available for the cattlemen (like Mr. "Herford" Burford) to raise more of their "bull-shit" on - and hell knowns we American "vegetarians", those of US who know we are what we eat so don't eat dead meat (the dead flesh of other animals) have more of those animals on our public lands than the "laws" of our Constitution have allowed them to have there!

3-

There are a lot of "political issues" I would like to discuss when and if I am allowed to "testify" at the "hearings" on Senator McClure's proposed amendment to the Wild Horse and Burro Act when those "hearings" are held in my own "terror-tory" in "Wash.D.C." One of the issues I would like to discuss with the people who come to that public hearing is the sneaky way in which those damn politicians who voted themselves a big pay raise and a lot of other "Washington Fringe Benefits" last winter, just before the "Christmas holidays" by attatching the bill for those benefits to the "Black Lung Bill"!

The majority of the people who live in your Boise district and through-out the state of Idaho (my "home-sweet-home" and still my "Gem of the Mountains" and the "Boot state" where I use to wear my big black boots just in case I found a big black wild horse who wanted and needed me to be his "lover" and his rider) are not fully aware of your "representatives" motives while they are living back here on the east coast in their big million dollar homes and "estates", pretending to be doing a good job of representing the needs of their "constitutents" back in their "home-state".

They know they can't order their federal employees to kill all of the wild horses and burros that are still living on our "public lands" and still keep their jobs as your representatives. So they scheme every way they know how to scheme in getting all of the so-called "excess" wild horses and burros they can get rid of off of our public lands, by "adopting" and "selling" them to any other American they can pawn those animals off onto. By doing that, they, the politicians, are doing their colleagues in the sheep and "bull-shit-raising business" and the mighty hunters back in their home states, a big favor, thus assuring themselves a better chance of becoming re-elected to the high paying jobs they have.

In the "year of our Lord" 1977, my husband and I went, as Delegates to the United Nation's Conference on Desertification, to one of those so-called "third world countries" (Kenya "hear me?" East Africa) to attend that conference. While we were there I saw, first hand, what has happened to most of Africa's wild life, including the wildest of all wild horses, the Zebras! They are becoming as extinct in that country as the Buffalos have become in this "capitolistic" and politically run country! And I saw with my own eyes what many of the "capitolistic pigs" from this country are doing to the poor people in that so-called "third world country" and that so-called "under-developed nation of the world". They are raping those people and their land for every ounce of gold they can extract from it, leaving that land as barren of forage and vegitation as our "Death Valley" has become and have erected their damn "howl-a-day-inns", their "fried chicken joints" and their "golden arch hamburger joints" all over the streets of Nairobi, and they have "brain-washed" those poor black African people to their "capitolistic ways of thinking" like you wouldn't believe, and that is the TRuth!!!!

---- and meanwhile,"back at the ranch" in Wash. D. C. and at Camp David and at the "western White House", etc. and on "capitol punishment hill" (punishment for the tax-payers, that is) our country's"political bosses" are enjoying their scotch on the rocks, their "country music" while dinning in their expensive homes on their expensive estates and/or sitting on their complacent asses in the cool of their air-conditioned "country clubs" while they are figuring out more ways to spend the American people's money, the money they force US to pay by taxing us nearly to death! (The latest issue of the Washington "Washitonian" magazine is filled with several pages of pictures of some of the "estates" some of our big-shot politicians live in and on when they aren't living in one of those other places I mentioned in this paragraph - or living on one of their country-clubs "golf courses" (land which has enough grass on it to feed several of our wild horses and burros if only those poor animals were given the kind of "freedom" they were intended to have when "God" created them.)

When I told you that my husband had only one option after Mr. Robert "Herford" Burford "fired" him from his Senior Executive Service job as Deputy Director for the Bureau of Land Management, about two weeks after he, Mr. Burford told my husband he, my husband was doing a great job for the BLM and he saw no reason for making any changed in his job at that time (a year ago last June) - and that option was to "retire", I had forgotten the other option my husband was given. Maybe because that option was so "down-grading" and so much of an insult that I managed to put it out of my mind, at that "point in time". That option was that my husband "transfer" to Denver, Colorado and to go work for the Bureau of Reclamations in a job which Mr. Burford "created" just for the purpose of getting rid of my husband so he Mr. "Herford" Burford would be rid of me, "MS", like in Mary Stringer! But it didn't work out that way. I refused to "transfer" so my husband, in order to make our marriage continue to work, decided that the only thing he could do was to accept an "early retirement". But I will never "retire" from government service because I love _my_ country, its the only country this "country girl" will ever have and to hold onto until I die! And no damn politician is ever going to deprive me of that "God given right" - nor are they going to ever take away my "freedom of speech" for as long as "God" sees fit for this "Mother Mary" to live on this land and this "farm" I own in McLean, Virginia (the"mother state of eight presidents" and to that quotation I add, and God only knows how many other _male_ politicians this "Mother state" has had their hands on the purse-strings of since it, the "Commonwealth state of Virginia", became a state of _our_ Union!)

The day will come when a woman will be the president of this country and I hope (and pray) that I will still be here in physical form to witness that great event - in fact, I hope I am that woman because "God knows" I am "qualified" to do that job just as well or perhaps better than any man has ever been "abel" to do it!

Most of the so-called "wild horses" on public lands are not direct decendents from those Spanish Mustangs we've heard so much about. They are the decendents of those "cattle ranchers horses" because of the way the cattle ranchers violated their "grazing rights" and deliberately turned their own horses out on "public lands" so they could get "free room and board" until the rancher decided to take those "excess" horses which he claimed to "own" off that "public land" and either sell them to the rendering plants so they could be made into "dog-food" for some "bitch" or "son-of-a-bitch" to eat and so he could reap a hundred percent of the profit which he got from the sale of those horses, or sell them to the "cow-boys" who mis-treated those poor animals while they were performing in front of a judge at the local rodeos. Few of those horses he kept for his children to ride because, first of all, there were too m~~k~~any of them for the number of "horse loving" kids he had, plus they were "wild" and too much trouble for him to "brake" for his kids or himself to ride them.

When I was a child of age seven, born the seventh child in a family of seven children in the year of our Lord, 1927, I wanted a horse of my "own" more than anything on this earth. But my father was too poor to be abel to afford a horse for me - and at that time there were no "wild horses" available for me to "own". In fact, I never saw a "wild horse" all of the years I lived in the state of Idaho. And I still don't own a horse to ride for my own pleasure - but I do "own" about 70,000 wild horses and burros and it is those horses and burros that my "God" and this "Godmother Mary" believes have just as much of a Constitutional Right to live on our "Public Lands" just as much, or perhaps more than any "two-legged asses" do!

When my husband was the District Manager of the BLM in Lakeview, Oregon (in 1962-63 and 64) he showed me the way the cattlemen who worked for the big cattle companies in that area mis-treated their poor "starving" cattle. I was shocked when I saw those poor animals and told my husband those "cowboys" should be reported to the Humane Society for the bad way they treated those sick and starving animals. But he only laughed and said it would do no good for me to do that because I would only be laughed at by those big-shots in the National Cattlemen's Association and prpbably the men who worked for that so-called "non-profit-organization" called the Humane society.

After we "wild horse lovers" got our Wild Horse and Burro Act pushed through Congress and signed into "federal law" by a president of this country, we found ourselves in another damn battle - that of trying to get the dumb federal employees to impliment the Wild Horse and Burro Act in the way it was intended to be implimented! Then in 1975, after three "two-legged-ass" judgeS in New Mexico "declared" the "Act" "Un-constitutional" and brought a law-suit against former Sec. of the Interior, Rogers Morton and the people of the United States, we "wild horse lovers" went to battle again and we saved that "federal law" in the United States Supreme Court. I've bragged a lot about that "win" because I don't even have my damn "law degree" yet,perse! But what good did it do to win the support of the U.S. Supreme Court Judges? All Congress had to do to destroy all of our hard work (work we did and were never paid a salary for doing) was to "amend" that "act" so they could continue to order the slaughtering and the adoption of any wild horse or burro they branded as being "excess"! And I know all about that "illegal round-up" of approximately 60 wild horses in Howe, Idaho too, which took place in the winter of 1974 and 1975. But what good did it do for US "wild horse lovers" to catch those "more-men wild horse thieves" in the act of violating the Wild Horse and Burro Act of stealing those horses?

Not a damn bit of good because, at the trial in Archo, Idaho over a year after that brutal round-up took place (with the approval of the District Manager for the BLM in Idaho Falls, Idaho) the decision in that "case" was granted to the state branding inspector, who in that "case" decided that those wild horses who managed to survive that brutal round-up and were still living at a slaughter-house in North Platte, Nebraska and being cared for by the federal government from the money those federal politicians extracted from US tax-payers until a decision could be made in a court of law, the Idaho state branding inspector decided that those animals belonged to those "horse thieves" who had rounded them up "illegally" off of "federal grazing lands". (I've often wondered how much money was passed under the table on that deal!)

The only conviction, that I know of, of someone who was caught violating the Wild Horse and Burro protection Act, a violation which was supposed to have sentenced that "horse thief" to a two thousand dollar fine and/or a year in jail, was only fined $500.00 and then set free of all other charges! (My friend and Colleague, Ramsey Clark and I know all about the "crime" that goes on in the courts in this country and crimes which will continue to go on as long as we have "law-makers" in power who are as guilty of breaking the laws they make as any damn "cow-boy horse thief" is!

My American Indian brothers and sisters also know who the worst thieves are in the political arena too. In fact I am "related" to many of those Indians because I am their "blood-sister" after swapping some of my blood with some of theirs many moons ago, when I was only a child of about 14 years old. The Indians I gave some of my blood to, in exchange for some of their blood, had the last name of Glenn. They were the American Indians for whom the town of Glenns Ferry, Idaho was named after. And as far as I know, I am the only member of the Glenn family that is still living in human form upon this land of ours, the United States of America. The rest of them have all gone to that "happy hunting ground" up yonger, so I've heard.

When a lady asked me the other day what kind of "business is Makin' Tracks into", my rebuttal to that lady was; "Well mamn, I'm into the business of trying to save the wild horses and four-legged-asses because I know that only God can save us two legged ones!"

My husband should never have been fired from his job as a "conservationist" for the Bureau of Land Management because of what I have to say about "wild horses and burros and two-legged-asses". I know that is why Mr. "Herford" Burford fired my husband and that is not "Constitional"! By doing that he not only deprived me of my constitutional rights of "freedom of speech" but he also caused my husband to have to "retire" from government service long before my husband or my husband's colleagues in the BLM wanted him to "retire". Mr. Burford should never have been selected as the Director of the Bureau of Land Management because he did and he still has a "conflict of interest" as a former owner of a sheep and cattle ranch in Grand Junction, Colorado and as a former "BS artist" state senator and as a member, still in good standing, with the National Woolgrowers Assn. and the National Cattlemen's Association.

The "Public Land" in this country is supposed to belong to the "public" and the "public" should have the power to decide what they want to use that land for. That decision should not be left up to only the state and local and federal politicians to make - and to make use of. And the United States Supreme Court decision on my husband's 49th birthday anniversary, June 17, 1976 (and also June 17th is the anniversary of the Nixon'Administration's "break-in" of the Democratic Natl. Party's headquarters in the Watergate, lest we forget) to "uphold the constitutionality of the Wild Horse and Burro Act" should be "upheld" that is, if the power of the U.S. Supreme Court Judges holds any weight at all in this country - a country filled with "dead meat eating animals"!

If it hadn't been for the effort my friend and colleague, Mrs. Velma Johnston (better known as "Wild Horse Annie") made, during the last 20 or 30 years of her life, to get a federal law passed that would provide some federal protection for the wild horses and burros that were residing on this country's "public lands", there wouldnt be any "wild horses and burros" now to worry about "saving". Annie spear=headed that battle and Annie asked me, shortly before she died and went to heaven, if I would continue her battle to save our "wild ones" and by "God" that is exactly what this "Mother Mary" intends to do, even if I get myself killed in the process by some damn "two-legged-ass"!

So, if you get a chance, perhaps you will relay this message to some or all of your Idaho, Senator James McClure's "constitutents". I'm sure there are more "voters" in Idaho who do not own a horse to ride for pleasure than there are those who do so I know I will get some sympathy from those people for the time and the energy and all the money I've spent and will continue to spend from those dollars I earned as a "horse show photographer" that were "fit to be earned" - then maybe, if the good Lord is willing, someday I will be "abel" to own my own little piece of Idaho, the Gem of the Mountains so I can afford to give "free room and board" to that "wild Horse" that "Wild Horse Annie" said I could have "for free" when ever I wanted to "own" one of those animals.

The "white man" stole Idaho from the American Indians and me in many ways and they will continue to do that as long as "we the people of the United States in order to form a more perfect union.." will allow them (the politicians) to do so. Even this land around McLean, Virginia has about 10,000 of those so-called "boat people from Vietnam" living in it, plus about a million "diplomats" from foreign countries and the situation is getting worse for us native-born-Americans all the time! So someday I'm going to sell this dump of a house I live in (a house which the real estate people tell me is worth about a hundred and fifty thousand dollars) and go live on that piece of land I intend to "home-stead" in Idaho, just like my saintly Mother, Ruth Lenora Peery Stringer, did many years ago when she was just a "country girl".

I know the "home-stead act" has been "repealed" but I intend to "un-repeal" it so that I can have my "fair share" of the land in Idaho that I was born on and that I still love so much. It is my God given right to do so. FOR PEACE AND LOVE, MARY "THE ARCHER"

"MS", like in Mary Stringer

SEP 28 1982

Tom

**SIERRA CLUB**

Toiyabe Chapter – Nevada and Eastern California

PLEASE REPLY TO: ☐ ____________

☐ GREAT BASIN GROUP
P.O. Box 8096
University Station
Reno, Nevada 89507

☐ LAS VEGAS GROUP
P.O. Box 19777
Las Vegas, Nevada 89119

September 22, 1982

James A. McClure, Chair
U.S. Senate/Energy and Natural Resources Committee
Room: 3106, Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman McClure,

I am commenting as Chair of the Public Lands Committee of the Toiyabe Chapter of the Sierra Club on the proposed amendments to the Wild Horse and Burro Act. The Toiyabe Chapter covers all of Nevada and the Eastern Sierra of California with over 1600 members. As most of the remaining wild horses in the West are in Nevada, we are keenly aware of the values and problems of wild horses and their management.

We regret we were unable to testify at the Committee hearing held last month in Boise, Idaho, and hope you will soon schedule a field hearing in Reno on the Amendments. The Idaho Sierra Club Chapter did offer testimony in Boise. We would like our comments to be added to the record and considered in your committee's deliberations.

The Toiyabe Chapter commends you and the Energy and Natural Resources Committee for your efforts to addresss one of the thorniest problems of public land management, that of wild horse and burro management. We greatly fear that the management of renewable resources on our public lands is dropping to a very low priority in this administration which is emphasizing commodity production at the expense of resource protection and management. It is very encouraging to Nevadans to know Congress is still involved and concerned about a resource which can't be leased, rented, or sold, as well as the impacts of one resource value on other resources, especially, the land resource, itself.

The Toiyabe Chapter supports several parts of the proposed amendments. The $25 non-refundable application fee seems very fair and will effectively limit applications to those who really intend to adopt horses. The development of additional adoption centers throughout the country will facilitate adoption. We strongly support the return of any revenues generated by the Adopt-A-Horse program into the wild horse program and not into the general Treasury.

The Toiyabe Chapter opposes sale authority for the Bureau of Land Management. The BLM is currently authorized to reduce wild horse numbers to the carrying capacity of the rangelands and dispose of horses through the Adoption Program or directly in case of injury or sickness. The recent arbitrary and exhorbitant increase in adoption fees has drastically reduced the number of horse adoptions in the West. While it appears that revenues have increased, the "increase" should be measured against the extra costs of maintaining unadopted animals since January of this year. Without an adoption fee limit, the Amendments would license BLM to get into the horseflesh/dogfood business. All wild horses will become "excess and unadoptable" if the adoption fees are increased again to $300 or $400, or, we've heard recently, $500. Although I am sure it is not your intent, this part of the proposed amendments would effectively shut down the highly successful and popular Adopt-A-Horse Program.

The Toiyabe Chapter has long worked with reasonable wild horse groups and ranchers both to adjust wild horse numbers and to urge BLM into implementing positive wild horse management and we will continue to do so. We are dismayed, however, at the reluctance of BLM to implement wild horse management, even with the funds and staff available in the past. In the future, budget cuts may cripple the Wild Horse Program to the point where management will be impossible to develop and implement.

We suggest a proposal which will satisfy many of the objections being raised to the proposed Amendments on the question of a reasonable adoption fee. A subcommittee of the BLM Carson City District Advisory Council, consisting of myself, the livestock representative, and the wildlife representative developed a varable fee proposal in response to a request from the District Manager.

The adoption fee would be variable, based on the quality of the horse and the availability of horses for adoption. The horses would be ranked by a committee consisting of the Adoption Center manager, wild horse representative, and, hopefully, impartial veterinarian on characteristics such as age, sex, height, conformation, and special desirable traits. The BLM would then assign a value to the rating, depending on the availability of horses at the Adoption Center, time of year, etc.

The variable fee would provide additional income as few horses would be valued at $25 and some might be valued at over $200. The fee would speed up adoptions, thus reducing handling and holding costs and would facilitate wild horse roundups as space would be constantly available in the Adoption Centers. Horses would continue to be treated humanely and yet also be more available for adoption by the public, which after all "owns" the resources, not the BLM.

The variable fee has been proposed to BLM and directly to Mr. Burford, who has not responded to our proposal. The Carson City District has analyzed the problems with the current fixed fee and discussed two variable fee alternatives. We are enclosing copies of both proposals which we request be used in the deliberations of the Committee.

We wish the Committee luck in its deliberations on this highly controversial legislation. We urge you to turn your attention to other unsolved problems in public land management - continued overgrazing by domestic livestock as well as by excess wild horses and continued poor and declining range condition and trend on our public rangelands, and by continued deterioration of wildlife habitat, especially riparian areas on which so much life depends in the more arid West.

Thank you for considering our concerns.

Sincerely,

Rose Strickland

Rose Strickland, Chair
Public Lands Committee
(702) 747-4237

SIERRA CLUB

Toiyabe Chapter – Nevada and Eastern California

PLEASE REPLY TO:☐ ____________

☐ GREAT BASIN GROUP
P.O. Box 8036
University Station
Reno, Nevada 89507

☐ LAS VEGAS GROUP
P.O. Box 19777
Las Vegas, Nevada 89119

Robert Burford, Director
Bureau of Land Management
18th & C Sts., NW
Washington, D.C.

April 7, 1982

Dear Director Burford,

I greatly enjoyed our meeting last week in Washington, D.C. I feel that many of our public land management problems could be more easily resolved in such a congenial atmosphere.. I'd like to reiterate that we'd like to support the Bureau whenever we can to improve range conditions on the public lands for all users and to get all of us off dead center in working out the inevitable conflicts in reaching our mutual goals.

As we discussed, the Nevada Chapter of the Sierra Club has a positive suggestion to make in regard to BLM's wild horse program, the one currently drawing the most heat. We do not support the current proposed amendments to the Wild Horse Act, not because we necessarily object to sale authority, but because of a serious flaw in the legislation. There is no cap on the adoption fees in the proposed amendments. While you said you do not intend to increase the fees, you may be pressured by OMB or others to do so, or your successor may chose to raise the fees to a level at which the opportunity for the public to adopt a wild horse is effectively lost.

Thus, we found ourselves in the position of supporting "reasonable" adoption fees, but no particular fixed fee seemed really fair. If $100 was chosen, it would be too high a fee for some horses and too low for others.

In wrestling with this problem, the local Sierra Club group decided to support flexible adoption fees. This concept was initially developed by the BLM Carson City District Advisory Council last year. A subcommittee of myself as a conservationist, a local rancher, and a sportsman came up with this idea which seemed to solve many problems: a flexible fee increases the revenue as required by the administration's economic policies, facilitates the removal of excess horses as desired by the ranching community, and continues the highly popular Adoption program as demanded by wild horse and humanitarian groups. This concept would also improve BLM's public image - replace those black hats with white hats!

p. 2 SIERRA CLUB

Flexible fees have subsequently received the support of the Nevada Wildlife Federation as well as the Toiyabe Chapter of the Sierra Club. Helen Reilly of ISPMB and Dawn Lappin of WHOA! are also supportive of the concept.

The flexible fee concept works this way:

1. With adequate public imput, BLM would develop a scale for rating wild horses based on age, sex, conformation, and height. The BLM Carson City District has proposed the following rating system:

| AGE (0 to 4 points): | SEX | |
|---|---|---|
| | male | female |
| 6 months | 1 | 1 |
| 1 year | 2 | 2 |
| 2 years | 3 | 3 |
| 3 " | 4 | 4 |
| 4 " | 3 | 3 |
| 5 " | 0 | 2 |
| 6 " | 0 | 1 |
| 7 " | 0 | 0 |

CONFORMATION (1 to 3 points):

| | |
|---|---|
| Excellent | 3 |
| Good | 2 |
| Fair | 1 |
| Poor | 0 |

HEIGHT: Minus 1 point if the animal is 3 years old or older and stand less than 14 hands high.

| Total Points | Rating |
|---|---|
| 7-8 | Class I |
| 5-6 | Class II |
| 3-4 | Class III |
| 0-2 | Class IV |

The committee added the potential for an additional point for special or unique features, such as color.

2. The adoption center manager would then determine the dollar value of the points depending on the supply of horses and the demand from the public. For instance, during the winter the fee might be lowered to $15 per point, but in the spring, increased to $25 per point. To avoid bookkeeping problems, the BLM might assume high supply and demand periods and just set the fee by season:

| | |
|---|---|
| fall | $20 |
| winter | $15 |
| spring | $25 |
| summer | $30 |

Flexibility should be built into the system to allow the adoption center manager to vary the points by 1 or 2 or the dates of the periods depending on local preferences and conditions, such as the weather, etc.

p. 3 SIERRA CLUB

3. A committee of three representing BLM, wild horse groups, and (independent) veterinarians should be set up to rate the horses. The representatives could change so no one person (volunteer) is required all the time. A serious disagreement could be appealed to the District Manager or the District Advisory Council or other body.

A similar rating system could be worked out for wild burros.

We are very glad that you have agreed to try out the flexible fee concept on an experimental basis. There may be other problems which we cannot currently forsee which could be worked out during the experimental period.

We don't know whether the Director's authority allows you the flexibility to order the experiment without notice in the Federal Register, media fanfare, etc. A period of non-confrontation would increase the chances for an accurate and useful trial. We suggest you try flexible fees at all three wild horse holding centers in the West, or if funds are limited, try it first at the Palomino corrals north of Reno.

In short, we feel the use of flexible fees can solve many problems. Has a study been made yet of the effect of the $200 fees on wild horse program revenues? We predict that while an increase in revenues may have occured ( as only 1 horse out of 8 has to be adopted to keep even ), revenues from the use of flexible fees would greatly exceed those using a fixed fee or revenues from the sale of horses. The biggest economic pay-off, however, would be in cost decreases from the shorter holding times in government corrals. The concurrent benefit is increasing the movement of excess horses from the public rangelands to the public. With a smoothly functioning wild horse program, BLM can legitimately ask wild horse groups to share the responsibilities for insuring humane treatment of adopted horses, including an expanded education effort. Until this level of cooperation and trust is achieved, wild horse groups will logically reserve their funds and volunteers for litigation and political lobbying, and BLM will continue to be on the defensive.

Ofcourse, the most successful use of flexible fees will not solve the overall problem of how may horses should continue to roam the public rangelands. But an humane (and cost-effective) program for disposing of excess horses will take a lot of the hysteria out of the problem.

Thank you again for the meeting and your effort to meet us half-way on one of the many problems of public land management in the West. We trust that an experiment will convince many in BLM, the ranching community, and wild horse groups that equitable solutions can be developed to our thorniest problems! We will be glad to assist BLM in the development of the experiment and in obtaining the support of other public land groups.

Sincerely,

Rose Strickland

## PROPOSAL TO ADJUST WILD HORSE ADOPTION FEE

### Problems With Current Fee

The current adoption fee of $200 per horse has caused a major decrease in the quantity of wild horses adopted from the Palomino Valley Center. Between January 1 and March 15, 1982, only 45% of the horses were adopted. For the same period in 1981, 89% of the horses were adopted at a fee of $25.

Despite this decrease in quantity revenues have increased sharply from about $2,300 per hundred horses gathered at $25 to about $9,000 per hundred horses at $200. Costs have declined for compliance and will decline for title transfer since fewer horses have been adopted. At the same time other costs have increased. Since the average horse is maintained at the corrals for at least 30 days with the $200 fee compared to about 20 days with the $25 fee, hay and labor costs have increased sharply. Security costs have increased due to vandalism prompted by the $200 fee. If the unadoptable horses are destroyed, additional costs would be incurred. Destruction costs would be about $20 per horse. The Bureau would also have to absorb transportation costs for any horses shipped to other adoption centers and destroyed. These changes would cause the cost per hundred horses gathered to increase from about $8,300 at a $25 fee to about $11,500 at a $200 fee (excluding capture or overhead costs).

Perhaps the most significant cost has been the loss of public support for a program which had been very popular.

One of the major reasons for raising the fee to $200 was that the $25 fee covered only a small part of the cost of the program, and it was felt that therefore, the adopters were being subsidized. However, horse adopters should not be required to bear the entire cost of the program since there are many other benefits, e.g. livestock, wildlife, and watershed. The adopters should be required to pay fair market value as directed by Public Law 94-579 Sec. 102 (a)(9). This report develops such values.

## Alternative Fee Strategies

Two alternative pricing strategies are analyzed in this report. The first is the establishment of an optimum single fee based on supply (bureau costs) and demand. The second alternative is to establish a variable fee structure based on the quality of individual horses. Both pricing strategies should approach fair market value. This analysis is based on current regulations. If changes such as immediate transfer of title are instituted, further analysis would be required.

## Alternative One

The optimum single fee was determined by developing a demand schedule through regression analysis (Table 1). This schedule indicates the percent of horses that would be adopted at various prices. It is based on the percent of horses adopted at a fee of $15 from the Susanville corrals in 1981, at $25 from Palomino Valley in 1981, and at $200 from Palomino Valley in 1982. It also includes an estimate by Palomino Valley Staff of the percent of horses

## TABLE 1
## HORSE ADOPTION PROJECTIONS

Based on: $(\% \text{ of horses adopted})^2 = (91.7)^2 - .16(\text{price})^2$

Derived from:

| % Adopted | Price |
|---|---|
| 92 | $ 15 |
| 89 | 25 |
| 85 | 100 |
| 45 | 200 |

| Price | % Adopted | Gross Revenue/ Horse | Cost/[a]/ Horse | Net Revenue/ Horse |
|---|---|---|---|---|
| $ 25 | 91 | $ 23 | $ 83 | $ -60 |
| 60 | 88 | 53 | 82 | -29 |
| 70 | 87 | 61 | 81 | -20 |
| 80 | 86 | 69 | 82 | -13 |
| 90 | 84 | 76 | 83 | -7 |
| 100 | 83 | 83 | 84 | -1 |
| 110 | 80 | 88 | 85 | 3 |
| 120 | 78 | 94 | 88 | 6 |
| 130 | 76 | 98 | 90 | 8 |
| 140 | 73 | 102 | 92 | 10 |
| 150 | 69 | 104 | 95 | 9 |
| 160 | 66 | 105 | 99 | 6 |
| 170 | 62 | 105 | 102 | 3 |
| 180 | 57 | 102 | 105 | -3 |
| 190 | 51 | 97 | 110 | -13 |
| 200 | 45 | 90 | 115 | -25 |
| 210 | 37 | 77 | 121 | -44 |

[a]/ Does not include capture or overhead costs.

that could be adopted at $100 based on conversations with potential adopters. Both linear and non-linear regressions were performed.

Since the non-linear curve fit the data best it was used to develop the demand schedule. It should be noted that the demand schedule is based on limited data and should be considered only a rough approximation.

The procedure also included developing a schedule of variable costs associated with various price levels. These costs did not include capture and overhead costs because these would not vary significantly with price. Palomino Valley records were the primary source of data. The cost schedule was based on the following data and assumptions:

1. About ten percent of the horses would be destroyed due to medical reasons regardless of the fee.
2. About three percent of the horses would die.
3. Processing costs would total $25 per horse on the remaining 85 percent.
4. Destruction costs would be $20 per horse.
5. Seventy-five percent of the horses would be maintained at Palomino Valley at a feeding cost of $1.55 per day.
6. Twenty-five percent of the horses would be shipped from Palomino Valley and maintained at other adoption centers for $3.25 per day.
7. Security costs would increase from $0 at a $100 fee to $.29 per horse per day at a $200 fee.
8. Unrecovered transportation costs would average $75 per horse for 14 percent of the unadopted horses shipped from Palomino Valley and destroyed at the other adoption centers.

9. Adopted horses would average 20 days of feeding.
10. Horses destroyed due to non-adoption would average 53 days of feeding.
11. Horses that died or were destroyed for medical reasons would average five days of feeding.
12. Compliance checks would be performed on eight percent of the adopted horses. This is down from eighteen percent in 1981 due to change in policy.
13. Each compliance check would cost $235.
14. Title transfer costs would be $6 each.

As Table 1 indicates, the net loss per horse was about $60 at the $25 fee. The $200 fee has decreased this loss to $25. However at a fee between $130 and $150 net revenues of up to $10 per horse could be obtained. Since there is very little variation in revenues within this range and fewer horses would have to be destroyed at the lower end, a fee of $130 is considered optimum. At this fee the Bureau would earn a return of $8 per horse over variable costs. The program would still have significant losses if overhead and capture costs are included. At a $130 fee the net costs (including overhead and capture) would be about $380 per horse compared to $450 at a $25 fee and $415 at a $200 fee. This measure could reduce Bureauwide costs by $260,000 compared to a $200 fee assuming that 7,500 horses would be gathered and that the demand and cost schedules would be similar for other states.

The lower fee would also substantially reduce public opposition to the program since fewer horses would have to be destroyed.

Alternative Two

The first step in generating the variable fee system was the development of a horse grading system (Table 2). The system was produced by Carson City district staff and recommended by the Carson City District Advisory Council. Further analysis and pretesting resulted in minor modifications. The proposed grading system was developed for simplicity and ease of implementation. It was limited to six characteristics that can be determined quickly by the adoption center staff: sex, age, conformation, height, weight and color. Although any number of grades could be established, the proposed system was limited to four in order to ensure simplicity.

The recommended prices for each grade were based on interviews with two individuals in the Carson City area that are involved in the private horse market and are knowledgeable about wild horses; with the contractors running the adoption centers at Spanaway, Washington and Valley Mills, Texas; as well as recommendations by Palomino Valley staff. As Table 2 indicates, the fees would range from $80 for Grade Four horses to $275 for Grade One horses.

Estimated receipts were based on the demand schedule in Table 1. It was assumed that all unadopted horses would be Grade Four. At the Grade Four fee of $80, 86 percent of the horses would be adopted, one percent would have to be destroyed due to unadoptability and the remaining thirteen percent would die or be destroyed due to medical reasons.

Rough estimates of the percent of horses in each grade are displayed in Table 2. These are based on the experience of Palomino Valley staff. It should be noted that these percentages vary widely depending on where the horses were

### TABLE 2
### PROPOSED VARIABLE ADOPTION FEES AND GRADING SYSTEM FOR WILD HORSES

Adoption Fees

| Grade | Points | Estimated Percent of Horses | Recommended Fee |
|---|---|---|---|
| I | 7+ | 3% | $ 275 |
| II | 6 | 10% | 160 |
| III | 4-5 | 37% | 125 |
| IV | 0-3 | 50% | 80 |

Grading System

Age: 0-4 points

| | Studs | Mares |
|---|---|---|
| 6 mos. | 1 | 1 |
| 1 year | 2 | 2 |
| 2 years | 3 | 3 |
| 3 years | 4 | 4 |
| 4 years | 3 | 3 |
| 5 years | 0 | 2 |
| 6 years | 0 | 1 |
| 7 years + | 0 | 0 |

Conformation: 0-3 points

| | |
|---|---|
| Excellent | 3 |
| Good | 2 |
| Fair | 1 |
| Poor | 0 |

Height: -1 for horses 3 years or older and less than 14 hands

Color: +1 for good color

Weight: +1 for horses 1000 lbs. or more

Note: Pair-rate only wet mares.

gathered. In areas where feed is limited and inbreeding occurs, a much higher percentage of Grade Four horses would be gathered.

Cost estimates were based on the cost schedule in Table 1. The cost schedule is dependant upon the percentage of horses adopted, therefore the cost estimates for the variable fee structure were based on the percent of horses adopted at the Grade Four fee of $80. An additional dollar per horse was added to account for the cost of administering the variable fee system.

If the variable fee system is implemented, receipts per hundred horses gathered would be about $9600. Variable costs would total $8300 for a net return of $1300 per hundred or $13 per horse. If capture and overhead costs are included, the net cost would total about $375 per horse compared to $415 at the $200 fee. This measure could reduce Bureauwide costs by $300,000 assuming that 7500 horses would be gathered and demand and cost schedules would be similar for other states.

The variable fee structure would also substantially reduce public opposition to the program since a minimal number of horses would have to be destroyed.

## Conclusion

Either alternative would be an improvement over the $200 fee. They would both result in substantial savings to the Bureau, reduce the number of horses that would have to be destroyed, reduce public opposition to the program, and meet FLPMA's requirement to charge fair market value.

The primary advantage of the $130 single fee system would be ease of implementation. The variable rate system would be more difficult to implement and administer. Significant controversies could be generated over the accuracy of the grading and pricing systems. On the other hand, the variable fee system would result in a greater reduction of net costs, fewer horses destroyed, and a more accurate reflection of fair market value. Much of the controversy over grading and pricing could be reduced by re-evaluating and adjusting them if needed on a biannual basis.

CENTER FOR WILD HORSE AND BURRO RESEARCH
7830 So. Platte Canyon Road
Littleton, Colorado 80123
August 2, 1982

Mr. Jim Coller
U. S. Congressional Office
Room 434
304 North 8th Street
Boise, Idaho 83702

Dear Mr. Coller:

Thank you for the opportunity to submit written testimony for the Congressional Hearing on S. 2183. As a newly established organization (non-profit corporation status 1982), I wish to state that with my 12 continuous and active years of wild horse and burro research, I find that the legislative change is both premature and in opposition to the intent of the federal law that it is intended to augment (PL 92-195).

While I will not be able to attend the hearing in person, I would appreciate the opportunity to review any transcripts of the meeting that are produced.

I hope that someday your office and I will be able to meet to discuss a more appropriate attempt to strength the law when the necessary reach studies are completed by the National Academy of Sciences. From that point, we will have the vital and impartial research information that will help guide us in establishing a rational wild horse and burro management plan that will be in keeping with the federal multiple-use concept.

Cordially,

Alan J. Kania

Alan J. Kania
Executive Director
Center for Wild Horse and
Burro Research, Inc.

To: Senator McClure, et.al.
From: Alan J. Kania, Executive Director
Center for Wild Horse and Burro Research, Inc.
Date: August 2, 1982

In 1971, Public Law 92-195 was passed unanimously with the intent to protect the wild horses and burros of the American West. It was the intent of the American public to stop the uncontrolled slaughter of wild horses that caused the estimated populations in the late 1800's to drop from 4-5 million equids to a mere 17,000 in 1971.

Mismanagement of the public rangeland by the government agencies directly or indirectly involved with the wild equids, continues to be a problem. The wild horses and burros continue to be used as a scapegoat through unsubstantiated innuendos and out-of-date behavioral misconceptions. The rationale expounded upon by Senator McClure and others, is not unlike the unsubstantiated allegations made by his predecessors several decades ago.

The wild horses and burros of North America have a rich heritage that is respected by European historians, naturalists, and educators. It is unfortunate that America's heritage can be so diminished in value by the ignorance of our own government officials.

The oldest fossil evidence of the equid found in the world has been unearthed east of the Rocky Mountains. The 40 million year history of the horse has been clearly documented. Despite the long perpetuated story that the Ice Age cleared North America of equids, more recent fossil evidence has indicated that the pure wild horses of North America successfully bred with the few surviving horses that escaped from the

Spanish conquests [Substantial documented evidence is available upon request].

The wild horses served as the cultural core of many of the North American Indian tribes; serving as their means of transportation, economic system, and cultural social caste system. As western expansion brought settlers to the west, other uses of the wild horses were utilized. The U. S. Army used wild horses as cavalry remounts. The pony express and stagecoach lines used wild horses as a means of delivery of goods, services, and people. Even the legitimate cowboys of our country's recent past were adament about using wild horses as remounts; they have always maintained that domestic horses were acceptable for ranch chores.

It wasn't until the 1920's that American exploitation of the west began. Pet food companies, seeking an economic way of harvesting horse meat, began the highly documented inhumane process of rounding up horses and burros. It was the documented evidence of these cruel roundups that brought Mrs. Velma B. "Wild Horse Annie" Johnston into prominence. She single-handedly was responsible for the passage of PL 86-234 (the Wild Horse Annie Act) and PL 92-195 (the Wild Horse and Burro Act).

Almost immediately after PL 92-195 went into effect, it was Senator McClure's own home state of Idaho that recorded one of the most heinous documented cases of abuse to wild horses in what federal investigators determined was a roundup that was improperly authorized by the Idaho Falls District Manager of the Bureau of Land Management.

Later, BLM Washington officials were taken to task for releasing exaggerated population counts of wild horses and burros to the Associated Press wire service. Last year, a Colorado BLM district admitted to padding their wild horse population census by 28%, thus misrepresenting the Bureau's false claims of wild horse population explosions.

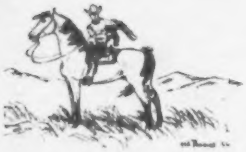
Abuses to the Adopt-a-Horse program were brought to light through a 20/20 investigative report and subsequent Senate Over-sight Hearings held in Washington. Additional hearings held initially in Denver by the Bureau of Land Management last fall indicated a total disregard for basic business practices and ignorance of the most simplistic forms of strategic planning.

It was this recent series of workshops conducted by the BLM that has supported the intent of Senator McClure's bill. His ignorance of wild horse public affairs history indicates that he has failed to become aware that his well-intentioned proposal has unfortunately been based upon archaic information that has failed to have sustain credibility when those self-serving arguments were raised during the past several decades.

Not only does the introduction of this bill do a disservice to the intent of the multiple-use concept of the public land, but it perpetuates a mockery of the intent of the American public as well as of the 86th and 92nd Congress. If any changes are made in the federal law, it should be planned to strengthen the law as it was originally intended, rather than weaken the existing federal law.

I would like to personally recommend that three factors be considered before any changes of the federal law be considered. First, the National Academy of Science is making a dedicated effort towards impartiality in researching significant aspects of wild horse and burro behavior and proposed management recommendations. Secondly, the newly established Center for Wild Horse and Burro Research has begun an academic search to identify, locate, and publish existing research studies that have been written by independent individuals that may be appropriate to wild horse and burro management. And finally, a comprehensive study should be conducted in an effort to convince the appropriate government managers to implement sound basic management strategies (strategic planning, management-by-objectives, etc.). Without these considerations, any legislative manipulation would be premature and misrepresentative of the intent of Public Law 92-195.

Alan J. Kania



Heather Smith Thomas
Box 215
Salmon, Idaho 83467

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
AUG 4 1982
WASHINGTON, D.C. 20510

July 29, [illegible]

Senator James A. McClure
United States Senate
Washington, D.C. 20510

Dear Senator McClure:

I am unable to attend the August 7 hearing concerning amendment to PL 92-195, but I respectfully request that the following statement be read into the record at the hearing.

I support passage of S.2183 and HR 5825. This amendment is urgently needed to enable BLM and FS to manage wild horses and burros in such a way that healthy habitat (and thus healthy free-roaming equines) will be assured for the future. The amendment is necessary to make the law work as originally intended--as a protection for both horses and rangeland, without an ever increasing burden on the taxpayer.

PL 92-195, giving federal protection for these animals and prohibiting capture by private citizens, worked so well that herd numbers dramatically increased. BLM's management roundups to remove excess animals (giving them out for adoption) have only partly kept pace with increasing numbers, due to lack of manpower and money, and in some areas, court suits halting BLM management activities. On some ranges, horse numbers have increased to the point of serious overgrazing and deaths from starvation.

This is not the fate Americans had in mind for wild horses and burros when PL 92-195 was passed in 1971. The law has already been amended to make it more workable--to allow helicopters in BLM and FS roundups, and to allow adopters to gain title to their animals, encouraging more people to take the excess horses and burros. The wild horse law has been a learning process for the American people and for the management agencies; there had to be a time of trial and error and some rethinking and revision along the way. Now it is time to amend the law again.

The proposed amendment, which would allow BLM and FS to sell the excess unadoptable animals, is necessary for several reasons. Under the present law, the only way excess animals can be disposed of is through adoption or destruction. The adoption program is to be commended. But not all excess animals are adoptable. Adoption demand is not adequate. The adoption program is also costly. It usually costs several hundred dollars per horse in capture costs, facility expenses, and so on. This has been a taxpayer subsidized horse and burro give-away that in some instances competes with private enterprise. Since the government agencies are now cutting budgets, it becomes difficult to continue the adoption program and impossible to expand it to take care of the increasing number of animals that need to be removed from the range.

The other alternative, destruction, would waste a valuable resource. Destruction on the range by shooting is not always humane--just because of the complexities of the task. But in the law's present form, this alternative may have to be used because of the high cost of roundups, and the BLM and FS committment and legal duty to protect the range and maintain a healthy habitat for wild horses, wildlife and livestock.

The drafters of PL 92-195 did not foresee the possibility of having to destroy thousands of animals; the emphasis at that time was on protection. Selling the unadoptable animals would be much better than destroying them. They would serve a useful purpose and help pay for the management program, making it possible to continue roundups and keep the adoption program going. The horses would be put to beneficial use instead of wasted.

Opposition to sale of wild horses on humane grounds is no longer a valid argument. The objections to sale-for-slaughter which helped lead to passage of PL 92-195 were due to the inhumane treatment horses sometimes received in roundups by commercial mustangers. The cruelty wasn't imposed at the slaughterhouse; it occurred as the horses were hazed out of the hills with airplanes, sometimes run to exhaustion or blasted with shotguns to turn them or scare them in the proper direction. Capture and transport were not always humane. But with today's BLM and FS roundups this is no longer the case. The case against selling these animals, for humane reasons (because some might go to slaughter) is no longer applicable.

Some people argue that there should be no slaughter of horses. Yet this is the accepted fate of many domestic horses after they have passed their usefulness--horses that are old, crippled, unsound or unsuited for riding animals. A swift and humane death at a slaughterhouse is certainly to be preferred over slow death by starvation on an overgrazed range.

Some people feel we can solve the wild horse problem by leaving them alone and letting Nature take care of the populations. But people espousing this view have not seen the destruction of range and of the horses themselves when too many compete for dwindling feed. Nature is heartless, and doesn't care if part of the herd dies of starvation, gnawing on trees and roots and each other's manes and tails before they die. Humane groups would put an owner in jail if he treated his own animals that way, starving them.

These horses are on the range because of man, who turned them loose or let them stray, in early or recent times. Man is responsible for their being out there in the first place; man is thus responsible for their welfare. They are not native wild animals. We have to take this responsibility seriously. Letting nature take its course (the horses decimating the range, then dying of starvation) is not only a copout, but also amounts to criminal abuse--of the rangelands and wildlife and livestock which share it, and of the horses themselves.

All range uses must be managed. Wildlife, livestock and horse numbers all must be controlled so the range stays healthy and can continue to support them. In order to manage wild horse numbers, the wild horse law MUST be amended so it is workable and practical. The other large herbivores are controlled, by hunting seasons and by range permits with specified numbers. The wild horses need to be controlled also, in some other way than by starvation or shooting.

I feel that the proposed amendment to PL 92-195 will make the law more workable, more humane, and more nearly fulfill the intent for which it was originally passed: to ensure the continuance of healthy herds of wild horses for future generations of Americans to enjoy.

Thank you, and best wishes,

Heather Thomas

Heather Thomas
Box 215
Salmon, Ida. 83467

P.S. I am sending this to both your Washington and Boise offices in hopes that it might get to you in time for the hearing.

c/o Rockville Route
Jordan Valley, Oregon 97910
August 6, 1982

Dear Sir:

In regard for the Bureau of Land Management to maintain the wild horse herd in the Three Fingers Allotment, I believe they should have the right to sell or dispose of the horses that can not be adopted.

Then use this money to pay for the gathering and disposal of the unwanted horses.

I am in favor of the McClure Bill.

Yours truly,

Delbert B. Allison
Mary Ellen Allison

WYOMING ADVOCATES FOR ANIMALS

316 East Pershing Blvd.
Cheyenne, WY 82001
July 30, 1982

Honorable James McClure
U. S. Senate
Washington, D. C. 20510

Re: S.2183

Dear Senator McClure:

Wyoming Advocates for Animals unalterably opposes passage of S.2183 in total. We respectfully seek inclusion of our comments in the hearing record scheduled for August 7, 1982, in Boise.

We oppose commercial sale of wild horses and burros. To do otherwise would be to endorse wholesale slaughter and permanent removal of all wild horses and burros from the public lands.

Sale authority will reopen the abuses that led to passage of protective legislation for wild horses and burros in the first place. Inhumane roundups and excessive, if not total, numbers of horses and burros will be removed and destroyed.

The majority of Americans do not favor such a program. The misleading comments by the Bureau of Land Management and equally misleading enticements such as contained in S.2183 are deliberate efforts to keep the American public in the dark and to force through destructive legislation. We oppose such tactics.

We oppose any legislation affecting wild horses and burros until all of the studies mandated by law are in and conclusions can be shared by all parties interested in this subject. One such study will be completed at the end of this year, that which was mandated by Public Law 95-514. Seeking legislation before this study is completed is arrogant and self-serving.

We oppose your bill unreservedly. We express great dissatisfaction with the co-sponsorship of that bill by Wyoming's Senator Wallop.

Yours truly,

Jeannine R. Stallings

(Mrs.) Jeannine R. Stallings
President

August 2, 1982

Senator James A. McClure
c/o Mr. Jim Goller
Borah Post Office Bldg.
Boise, Idaho 83702

Dear Senator McClure,

I am writing to ask you to reconsider your proposed amendment to the 1971 Wild Free-Roaming Horse and Burro Act. I feel strongly that allowing the sale for slaughter of horses termed "excess" would inevitably lead to the virtual destruction of our wild horses. I ask that you examine the follwing points during the course of your present hearings:

1. The number of wild horses and burros on federal lands at present could be substantially reduced if the recently raised adoption fees were lowered to their previous levels, thereby eliminating the need for additional removal of horses from rangeland. I have personally spoken with several BLM distribution center managers who have told me that they have experienced a severe dropoff in the number of adoptive owners for the horses presently at their centers, and they attribute this directly to the increased costs of adoption. As of three months ago, there were some thirty-five thousand applications for adoption on file, and an estimated seventy thousand horses still roaming on federal land. We all must consider money these days, and as one of the costs in owning a wild horse is the feed he or she consumes during the period before training can even begin, people are naturally more reluctant to adopt at the higher rates involved. To simultaneously make it financially more difficult for people to adopt a wild horse and then call for the slaughter of those not adopted just doesn't make sense.

2. Any amendment which brings the potential of personal profit into what was designed as an act for the protection of wild horses immediately poses a very real threat to the intent of the legislature (and the will of the populace represented by it) in passing the act in the first place. Even without an amendment allowing sale for slaughter, abuses of the 1971 act have and are continuing to occur. To make such slaughter legal will attract those who are only out to make a fast buck no matter what the consequences to the environment and the overall maintenance of base herds.

3. Though cattle ranchers have frequently complained that wild horses take forage from their livestock, I believe they are overlooking the benefits to them of keeping wild horses on the range. It is true that an individual horse will eat somewhat more than an individual cow--but horses travel much farther than do cattle, and therefore do not denude an area of feed. Also, as horses do not digest their food nearly so thoroughly as do cattle, they provide a valuable service in reseeding the range which in the long run is of great benefit both to the taxpayers and the cattlemen themselves because the cost of hand reseeding is diminished. Before the remaining horses termed "excess" are removed, this should be considered. The 1982 wild horse and burro program has been cut by four million dollars, three million of which was merely trans-

ferred to the livestock grazing budget. AUM costs have decreased from $2.31 in 1981 to $1.86 in 1982, giving cattle interests an additional benefit. There are approximately nine million grazing livestock on public lands--are seventy thousand horses such a threat to them that even a few hundred horses could be considered "excess"? Good range management means the land is shared cooperatively, not monopolized by any one group.

4. The term "excess" itself is in question. BLM estimates of the number of wild horses and burros presently on public lands differ sharply with those made by organizations concerned with the welfare of the animals in question. Before any further action is taken for removal, I suggest that a cooperative agreement be reached which allows representatives of humane groups, ranching interests, and the BLM to jointly participate in such censuses as are taken.

5. The National Academy of Sciences has recommended that an additional three year study of the wild horse program and the impact of wild horses on the range be made in order to provide all the information necessary for intelligent management of the wild horse population. To ignore their recommendation, made after careful study, and proceed with any amendment whatsoever to the present act seems foolish. We need complete input in order to make sound decisions.

In conclusion, I am strongly opposed to Senate Bill 2183, and I urge that it be defeated.

Sincerely,

Julie Crawshaw

Julie Crawshaw
P.O. Box 1703
San Luis Obispo, CA 93406

ANIMAL
PROTECTION
INSTITUTE
OF AMERICA

5894 South Land Park Drive
P.O. Box 22505
Sacramento, CA 95822
(916) 422-1921
TWX 910 367 2375 API SAC

August 4, 1982

TO: Senator James McClure
United States Congressional Office
304 North 8th Street, Room 434
Boise, Idaho 83702

Attention: Mr. Jim Coller

FROM: Belton P. Mouras
President
Animal Protection Institute of America

The Animal Protection Institute is a national non-profit humane education and animal rights organization whose causes include the wild horses and wild burros. It has more than 100,000 members nationwide including an Idaho membership. This statement is submitted in opposition to the amendments to Public Law 92-195 for the hearing on S. 2183 or such proposals as come into discussion in the Idaho hearing convened by Senator McClure.

*

The several decades of progress and backsliding in efforts to save the wild horse should, by now, have provided at least one measure of wisdom for all who concern themselves with this problem. You can take the wild horse out of the West--and we are dangerously close to this, closer today than we have ever been--but you can't take the West out of its grazing problems by fighting the very existence of the wild horse.

That violence toward the wild horse which was exemplified in what was called at the time "The Idaho Massacre" has not posed as final a threat to the wild horse as the operations of the federal government.

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API IS A NONPROFIT, TAX-EXEMPT ORGANIZATION
ALL CONTRIBUTIONS ARE DEDUCTIBLE FOR INCOME AND ESTATE TAX PURPOSES

Today it will appear to many of those who are preparing to vote for amendments which the federal regulators in the Department of Interior and the Bureau of Land Management desire that they are simply clearing up a practical problem and that the desired benefits will come from this--relief for the land, disposition into good hands of captured horses which would otherwise have been executed to no purpose.

For the land and for the horses, this is an imaginary outcome. The stage has been set for a catastrophe which will shake the horse-lovers and animal-lovers of this nation--and which will shake the West and East. But there is even an element of unpredictability as to where these amendments will take us.

On the one hand, the country is told, by federal spokesmen, that the amendments are necessary to bring the number of wild horses down to practical levels--and there is tremendous sleight of hand in this. The managers who were charged with treating the wild horses as "an integral part of the land" are working to conceal the fact that the present levels are by no means impractical and by no means too high although it would be desirable for those same managers to have some genuine sense of where, in the West and on these managed lands, the mass of the wild horses could roam in peace. Their plans should be: how to get them there--not how to harvest and destroy.

Why do we state that the proponents of the legislation do not even know where these amendments are taking us?

Because in the legislation here presented, a powerful motivation is being set up to benefit the traders in horse sales, and auction horse sales, on the one hand; and another powerful motivation is being set up to convert the government's program to manage the wild horses for the sake of wild freedom into a program to make as much money out of them as possible.

Every wild horse on the public rangeland is already in dire peril but the peril greatly increases should this legislation become law. It's possible that we will very rapidly reduce the wild horse population to only token numbers--the very fate that has been so strenuously fought against for the last thirty years. In their eagerness to make the wild horses the fall guy for problems of rangeland that are as deep and wide as the West itself, highriding bureaucrats will have in their hands the power to savagely reduce the herds while ignoring the millions of Americans who have cried out against this. With helicopter roundups and with unlimited rangelands for the chase, the government cowboys will reign as the last and most destructive of all the mustangers--those misfits whose operations drove the wild horses into the

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hands of the petfood canneries and the glue factories. Because present administrators of the BLM's program have shown, at the top, a desire to eliminate horses on an actually terrifying scale, there is everywhere an assumption that they will drive them down to the levels they insist are desirable. It's been suggested that we cannot have more than 27,000 wild horses overall--or 25,000!--or 17,000! Those who are most against the horses, and that includes very intense people who are in power now in the bureaucracy, will drive for the lowest figure they believe they can achieve.

But once the idea of sale of horses is introduced--and if the horses survive the first assault waves by those who are trying drastically to reduce them--we can predict that another kind of horse-manager may take over in this or future administrations. These men would see that rounding up and selling horses makes a tidy business for the federal government. With a good breeding stock and a great amount of land, the imaginative bureaucrat might easily see, "We could become the largest horse-rancher in the world." And so they could. And so they probably will--if the amendments you are offering are allowed to pass.

Now there are many losers in this, whether the horses are reduced to a level of 27,000 or whether a new generation of horse-ranching bureaucrats begins to take the numbers up to hundreds of thousands because of an active trade on the auction marts and a clamor that horsemeat is nutritional food, fine for pets, fine for everybody.

The wild horses certainly lose--and America loses one of its greatest glories--if we vastly diminish the wild bands. Some five to ten million horses existed on the great plains and prairies of the United States if we go back many decades but if we return only to the year 1900, there may have been--no one knows for sure--possibly as many as two million wild horses out here in the West. They have been ravaged in a phenomenal way. The historic fight to save them is not a fluke but one of the most significant wildlife battles anywhere in the world--a battle that Congress has responded to with intelligence and compassion in the recent past. Even so, the number of wild horses in this nation appears to have been diminished by many thousands even in the current year. Figures vary but it's possible that the current Western totals are 45,000 and still falling.

If it falls further, and if that fall is accelerated, then a thirty-year crusade of preservation has bit the dust--all of this done by legislators who in some cases may honestly believe that they are "saving the wild horse" by extending to the Bureau of Land Management the power to kill them on a far greater scale than was done by the mustangers themselves.

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If the bureaucrats behave predictably and, after a few years, begin to see the blessings of horse-ranching, the wild horses could become far more numerous, but be taken into compact areas to make for easy round-up; they could become a breed for harvest; they can become one more assembly line of exploited animals.

The "damage to the rangeland" argument is not being pursued here, in these remarks, because the true extent of that damage--what causes it, how it can be corrected, what our next great steps should be--have only a little to do with wild horses and what little does have to do with them is a matter of greatest confusion.

Hope Ryden, the author of *America's Last Wild Horses*, who knows the wild horse from as close a vantage point as anyone, has pointed out the contradictions in the government position. As many as a million and a half mule deer are often treated as "not enough" by our government; four million cattle on public grazing lands are treated as not enough; and 45,000 wild horses are treated as a vast overcrowding.

But the biological implications of the horses' presence on the land are not portrayed in a rounded and accurate fashion by the supposedly impartial statements of the Bureau of Land Management. The BLM has given every sign--not at its lower echelons but at its higher ones--of desiring *not* to know the truth, *not* to have all the factors observed, *not* to have all the factors fully investigated. If there *was* this desire, then there would not be a stampede to seek to get new amendments down before the Congress can have the benefit of the National Academy of Sciences study which it ordered as a wise, protective, fact-finding measure to guide it on any future matters concerning the wild horse.

It is reported to us that Congressman John Seiberling of Ohio would take the position that the completion of the NAS study is vital to any kind of informed action by the Congress, by the BLM, by environmental advisors, and by animal protection advisors like ourselves. We hope this is the case for him and for everyone--which certainly includes every Congressman and Senator--holding the fate of the wild horses in their hands.

The wild horses have a vast number of sympathizers around the nation. They have not been heard from in the numbers they will be should this move toward a destructive new policy on wild horses be passed into law. But be sure of this: on the day when it becomes evident through news-photos of the victims that the Congress of the United States has taken the action which enables the wild horses to end up back in the petfood canneries--and the chain by which that will happen is all prepared for in the pending amendments--why a shock wave will run across this country.

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Every horse-lover, every animal-lover, will feel betrayed. It will at last be clear what the real implications of this legislation were. Those Congressmen who believed the effect of the amendments would be benevolent will find themselves confronting tears, outrage, fury--all those emotions which have led people like ourselves, for three decades now, to plead with controllers of the horses' fate to recognize them for the national heritage species they are, and to see them as a wild glory, and to protect them truly--not just in name.

The question is before you again--at this moment. A question on which the American people have repeatedly signaled that the horses must be saved. The amendments are inviting the federal government to become a massive misfit--to become the mightiest mustanger of them all. We urge you, and millions will urge you as they come to understand what is happening, to leave the wild horses their wild freedom.

BOISE OFFICE

AUG 9

**IDAHO DEPARTMENT OF FISH AND GAME**
600 South Walnut • Box 25
Boise • Idaho • 83707

AUG 1 3 1982

August 5, 1982

ERGY AND NATURAL RESOURC
RECEIVED
AUG 12 1982
WASHINGTON, D.C. 20510

Senator James McClure
Room 434, 304 North 8th Street
Boise, Idaho 83702

Dear Senator McClure:

Please enter this written statement into the hearing record August 7, 1982, in Boise, Idaho, regarding Senate Bill 2183 to amend the Wild Free-Roaming Horse and Burro Act of 1971.

The wild horse populations in certain areas of Idaho have exceeded the level which the range can support and are damaging both the range and the native wildlife species. Specifically, we have documented severe reduction in the antelope population in the East Fork Salmon River area where they are dependent on the same range as a horse population that has greatly increased since 1972. This horse herd has also spread to deer and elk ranges and is near a bighorn sheep winter range. Needed reductions of horse numbers have been hampered by provision of the Act.

The passage of Senate Bill 2183 would permit more realistic management by authorizing Federal agencies to sell excess wild horses and burros for which no adoption demand by qualified people exists with resulting revenues returned to the wild horse and burro program to help defray costs of removal and management.

The Idaho Department of Fish and Game endorses and supports these provisions of Senate Bill 2183 and appreciates the opportunity to comment on this proposal.

Sincerely,

Jerry M. Conley

Jerry M. Conley
Director

Springs Beefmaster Cattle Co.

Richard A. Springs III
Route 2, Box 60-A
Homedale, Idaho 83628
503-339-3772

August 7, 1982

Dear Sirs,

I am writing to support the efforts of Senator McClure and Congressman Young to amend the 1971 Free Roaming Horse and Burro Act.

In the Mahogany Unit of Vale District of the Oregon BLM we have watched a horse herd of 66 horses in 1971 proliferate to a BLM guesstimate of 250 plus today. This rate of proliferation, if allowed to continue unchecked, will cause severe deterioration of range conditions adversely affecting not only liscensed grazing permittees but all other multiple use users as well.

The BLM must be allowed to manage the wild horse herds more effectively than it has been able to do during the past decade. Excess wild horses should be systematically collected from the ranges and then the BLM must be allowed to sell unadoptable horses and the monies used for wild horse management and range rehabilitation in wild horse areas.

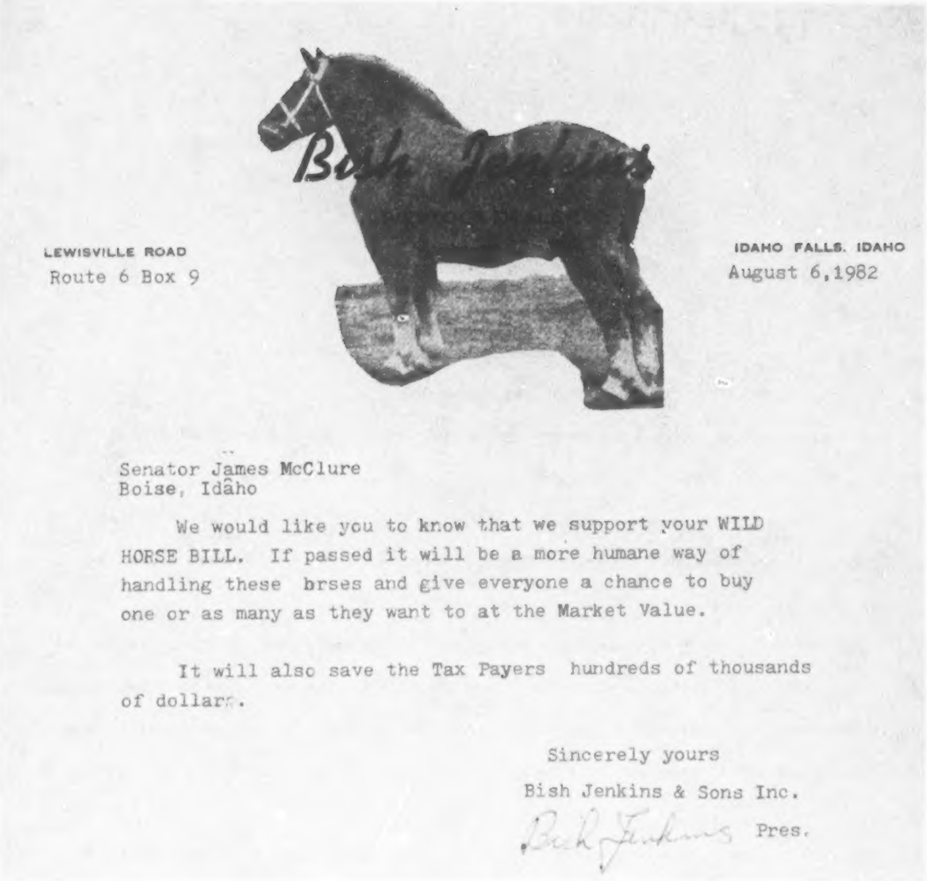
Due to a variety of lawsuits and self imposed moratoriums there is no BLM policy for dealing with wild horses. With collection centers full, a moratorium on killing horses, and a ban on selling horses, the BLM is forced to feed and maintain unadoptable harses at tax-payers expense. Consequently, there is a virtual moratorium on collecting additional surplus horses. The BLM is thus left in the uneviable position of being charged with range management on one hand and having no enforcalbe horse management program resulting in range degradation on the other.

The proposed legitation of Sen. McClure and Rep. Young will alleviate this situation by allowing the BLM yo sell unadoptable excess horses and use the monies for horse and range management.

Respectfully,

Richard A. Springs III

Richard A. Springs, III



Bish Jenkins

LEWISVILLE ROAD
Route 6 Box 9

IDAHO FALLS, IDAHO

August 6,1982

Senator James McClure
Boise, Idaho

We would like you to know that we support your WILD HORSE BILL. If passed it will be a more humane way of handling these horses and give everyone a chance to buy one or as many as they want to at the Market Value.

It will also save the Tax Payers hundreds of thousands of dollars.

Sincerely yours
Bish Jenkins & Sons Inc.
Bish Jenkins Pres.

DEAR SIRS: We wish to strongly support bill S. 2183, to make certain amendments to public law 92-195 relating to protection of wild free-roaming horses & burros.

1. We believe wild horse & burro herds should be maintained in a sensible & workable manner, for the protection of the rest of our wildlife, such as Big horn sheep, deer, antelope & etc.

2. Person adopting horses should be given title at the end of one year without further inspection or restrictions.

Unadoptable horses should be sold to help defray the cost of managing those herds. The money from the sale should be returned to the wild horse and burro management fund.

Sincerely,

ROBERT D. DAVIS.
R. HELEN DAVIS.

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JORDAN VALLEY, OREG.,
*August 6, 1982.*

Hon. Senator JAMES MCCLURE,
*Washington, D.C.*

DEAR SENATOR MCCLURE: I support your amendment to the Wild Horse Act. Most everyone gets a lift to see a bunch of wild horses on the range, but we must consider the cost, the cost of managing the herds and control of their numbers was not very well thought out in the original Wild Horse Act.

Horses that do not go through the adoption process should be sold at the best possible dollar return to the BLM. Wherever the horses go in commercial channels, there are organizations and regulations insuring their humane treatment. Nearly all domestic horses that have outlived their usefulness go to the slaughter plant.

As a practical matter I believe that horse herds should be held to or below the 1971 numbers to conserve the range and minimize the cost of management and numbers control.

Yours sincerely,

ANDREW GREELEY.

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JORDAN VALLEY, OREG., *August 6, 1982.*

Hon. Senator MCCLURE,

I am in favor of this amendment for there has to be some way to control the horses on BLM land. As of now the BLM has not been able to do this and these ranges are being hurt terribly.

The problems are funding and not being able to get rid of the horses after they are caught. Right now the Burn's horse center has 350 in their corrals that they can't get rid of and is costing the BLM at least $1,000 a day.

This amendment, with its provisions of being able to sell the horses after a reasonable amount of time, should take care of both of these problems. Getting rid of the horses and the money helping pay the bill.

Sincerely,

ANDREW CUNNINGHAM, Jr.

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